

and inserting in place thereof the words:- vocational home economics and allied health occupations.

Approved July 17, 1978

Chap. 476. AN ACT DESIGNATING THE MISHAWUM BRIDGE
IN THE CITY OF WOBURN, AS THE ALBERT J.
WALL BRIDGE.

Be it enacted, etc., as follows:

The department of public works bridge, W-43-4, over the Boston & Maine Railroad on Mishawum road, in the city of Woburn shall be known and designated as the Albert J. Wall Bridge. Suitable markers bearing said designation shall be attached thereto by said department.

Approved July 17, 1978

Chap. 477. AN ACT AUTHORIZING THE CITY OF GARDNER
TO GRANT ONE ADDITIONAL LICENSE FOR THE
SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK
ON THE LICENSED PREMISES.

Be it enacted, etc., as follows:

Notwithstanding any limitation of the number of licenses that may be granted under section seventeen of chapter one hundred and thirty-eight of the General Laws, the city of Gardner may grant, in addition to the number authorized by said section seventeen, one additional license under the provisions of section twelve of said chapter one hundred and thirty-eight. Such additional license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen.

Approved July 17, 1978

Chap. 478. AN ACT PROVIDING FOR THE ORDERLY ADMINI-
STRATION OF JUSTICE IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. It is the intent of the general court to promote the orderly and effective administration of the judicial system of the commonwealth. To that end the provisions of this act provide for an administrative consolidation of the several courts of trial jurisdiction, so as to encourage a broader availability of personnel and other resources for the hearing of all causes on an equitable basis by the several justices of the trial court, so-called, without in any way derogating from the rights of parties to all proceedings and without in any way impairing the validity of all judgments and orders of duly appointed justices in the commonwealth. Also in furtherance of the aforementioned intent, this act provides for increased powers, duties and responsibilities of certain judicial and non-judicial personnel, without in any way impairing the tenure and existing powers and authority of such personnel.

SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by inserting after clause the Fifty-first the

following seven clauses:-

Fifty-second, "Superior court" shall mean the superior court department of the trial court, or a session thereof for holding court.

Fifty-third, "Land court" shall mean the land court department of the trial court, or a session thereof for holding court.

Fifty-fourth, "Probate court", "court of insolvency" or "probate and insolvency court" shall mean a division of the probate and family court department of the trial court, or a session thereof for holding court.

Fifty-fifth, "Housing court" shall mean a division of the housing court department of the trial court, or a session thereof for holding court.

Fifty-sixth, "District court" or "municipal court" shall mean a division of the district court department of the trial court, or a session thereof for holding court, except that when the context means something to the contrary, said words shall include the Boston municipal court department.

Fifty-seventh, "Municipal court of the city of Boston" shall mean the Boston municipal court department of the trial court, or a session thereof for holding court.

Fifty-eighth, "Juvenile court" shall mean a division of the juvenile court department of the trial court, or a session thereof for holding court.

SECTION 3. The first sentence of section 116 of chapter 6 of the General Laws is hereby amended by striking out, in lines 8 and 9, as appearing in chapter 161 of the acts of 1975, the words "chief justice of the district courts, the executive secretary of the supreme judicial court" and inserting in place thereof the following words:- administrative justice for the district court department, the administrator of courts for the trial court.

SECTION 4. The first paragraph of section 156 of said chapter 6 is hereby amended by striking out the first sentence, as amended by chapter 321 of the acts of 1977, and inserting in place thereof the following three sentences:- There shall be a committee on criminal justice, hereinafter called the committee, to consist of the attorney general who shall be chairman, the district attorneys of the several districts, the secretary of the executive office of public safety, the chairman of the parole board, the commissioner of correction, the commissioner of probation, the commissioner of public safety, the commissioner of youth services, the commissioner of the metropolitan district commission, the police commissioner of the city of Boston, and twenty-three persons to be appointed to one-year terms by the governor to consist of the following: one designee of the chief justice of the supreme judicial court or the appeals court, one designee of the administrative justice for each of; the superior court department, the district court department and the Boston municipal court department, one member of the house of representatives, one member of the senate, two chief executive officers of cities at least one of whom shall represent a city with a population of more than one hundred thousand persons, one selectman and four members of a city or town police department; provided, however, that not more than two of such four members shall be

chiefs of police, one county sheriff, one representative of the Massachusetts defenders committee, one representative of the judicial council, one representative of a local model cities program and three individuals knowledgeable and experienced in the prevention of juvenile delinquency and the rehabilitation of delinquent youths; provided, however, that at least two of such individuals shall not be employees of the commonwealth and shall be representative of community-based delinquency programs, and four other individuals none of whom shall be officers or employees of the commonwealth or any political subdivision thereof; provided, however, that at least two of said individuals shall be residents of an area in the commonwealth which has high incidence of crime. Upon the expiration of the term of an appointive member, he shall serve until the qualification of his successor, who shall be appointed in like manner. Any vacancy among appointive positions on the committee due to causes other than the expiration of a term shall be filled for the remainder of the term by the governor.

SECTION 5. The first paragraph of section 168 of said chapter 6, as appearing in section 1 of chapter 805 of the acts of 1972, is hereby amended by striking out, in lines 4 and 5, the words "chief justice of the district courts, the chief justice of the superior court" and inserting in place thereof the words:- administrative justice for the district court department, the administrative justice for the superior court department.

SECTION 6. Section 28A of chapter 7 of the General Laws is hereby amended by striking out the third paragraph, as amended by section 13 of chapter 835 of the acts of 1974, and inserting in place thereof the following paragraph:-

Said administrator may enter into agreements with the supreme judicial court, the chief administrative justice of the trial court or with the administrative justices of the several departments of the trial court for programs for the continuing education of judges and other court personnel.

SECTION 7. Section 18 of chapter 12 of the General Laws, as amended by section 5 of chapter 423 of the acts of 1948, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The compensation of any person employed or appointed hereunder shall be paid by the commonwealth.

SECTION 8. Said chapter 12 is hereby further amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 19. The district attorney for the Suffolk district may appoint a messenger and with the approval of the administrative justice for the superior court department, such stenographers, telephone operators and other office assistants as in his opinion the interests of the commonwealth require. The compensation of any person appointed hereunder shall be paid by the commonwealth, and any such person may be removed by said district attorney at his pleasure.

SECTION 9. Said chapter 12 is hereby further amended by

striking out section 20, as most recently amended by chapter 1006 of the acts of 1973, and inserting in place thereof the following section:-

Section 20. The district attorneys may each employ additional legal assistants, with the approval of the administrative justice for the superior court department. The length of time of such employment, shall in no instance exceed six months. The amount of compensation shall be determined by the district attorney, with the approval of said administrative justice, providing that for legal assistants who devote their entire time to the duties of legal assistants and do not, either directly or indirectly, engage in the private practice of law said compensation shall in no instance exceed ten thousand dollars and for part time legal assistants shall in no instance exceed five thousand dollars. Such compensation shall be paid, subject to appropriation, by the commonwealth upon presentation of bills approved by the district attorney, and by said administrative justice. In matters connected with the work for which he is so employed, a legal assistant shall have all the powers and authority of an assistant district attorney.

SECTION 10. Said chapter 12 is hereby further amended by striking out sections 22 to 25A, inclusive, and inserting in place thereof the following five sections:-

Section 22. The district attorney for the Northern, Norfolk and Plymouth districts may employ such persons for clerical or stenographic work as may be approved by any justice of the superior court, and may remove them at his pleasure. Their compensation shall be paid by the commonwealth.

Section 23. Except as otherwise provided in section twenty-four of this chapter and in section fifteen of chapter two hundred and seventy-six, district attorneys and assistant district attorneys shall receive for traveling expenses necessarily incurred in the performance of their official duties such sums as shall be approved by a justice of the superior court, to be paid by the commonwealth. In each district the traveling and contingent expenses incurred by the district attorney, or his designee, while attending conventions that have been convened for the purpose of considering questions of law reform or statistics and other legal matters affecting the welfare of the people, and the membership dues of the district attorney, or his designee, in the National District Attorney Association, shall, subject to appropriation, be paid by the commonwealth, upon receipt of a certificate from the district attorney that they were necessarily incurred under the provisions of this section, and upon the approval of a justice of the superior court.

Section 24. A district attorney, in the name of the commonwealth, may contract such bills for stationery, experts, travel outside of the commonwealth by witnesses required by the commonwealth in the prosecution of cases, for necessary expenses incurred by himself or by officers and others under his direction in going outside of the commonwealth for the purpose of searching for or bringing back for trial persons under indictment or against whom

complaints are pending in his district, and for such other expenses as may in his opinion be necessary for the proper conduct of his office in the investigation of or preparation and trial of criminal cases; and all such bills shall be paid by the commonwealth upon a certificate by the district attorney that they were necessarily incurred in the proper performance of his duty, otherwise upon the approval of a justice of the superior court.

Section 25. Money to be used for the necessary expenses to be incurred by officers, under the direction of a district attorney, in going outside of the commonwealth for the purpose of searching for, or bringing back for trial, persons under indictment in any county in the district of said district attorney shall be advanced by the treasurer of the commonwealth, upon the presentation of a certificate signed by the district attorney and approved in the manner provided in the preceding section for approving bills incurred by district attorneys. After their return, such officers shall account for such money by filing with the treasurer itemized vouchers duly sworn to, approved by the district attorney and also approved in the manner provided in the preceding section for approving bills incurred by district attorneys. Such vouchers shall show the necessary expenses so incurred, and the difference between the amount advanced as aforesaid and the amount of the vouchers so approved shall be paid to the treasurer within thirty days after such return.

Section 25A. Money to be used for necessary expenses to be incurred in the performance of the duties of a district attorney in relation to any investigation or proceeding in any county in his district, to an amount not exceeding twenty-four thousand dollars in any one year, shall be advanced to him by the treasurer of the commonwealth, or placed to his credit for advance under his direction to persons designated by him, upon the presentation of a certificate signed by him certifying that such amount is necessary for use as aforesaid. Every sum so advanced shall be accounted for by the said district attorney within two months after such advance and said accounts shall be approved in the manner provided in section twenty-four for approving bills incurred by district attorneys; provided, that all sums so advanced by the treasurer during any financial year shall be accounted for, and any unexpended balances thereof be repaid to said treasurer, prior to January tenth next following the close of said financial year.

SECTION 11. The second paragraph of section 4 of chapter 27 of the General Laws, as appearing in section 1 of chapter 994 of the acts of 1971, is hereby amended by striking out, in lines 2 and 3, the words "chief justice of the superior court" and inserting in place thereof the words:- administrative justice for the superior court department.

SECTION 12. The General Laws are hereby further amended by inserting after chapter 29 the following chapter:-

CHAPTER 29A.
FINANCING OF THE JUDICIAL SYSTEM.

Section 1. All costs of maintenance and operation of the judicial branch shall be paid by the commonwealth. The operation of a registry of deeds and office of an assistant recorder of the land court in connection therewith shall not constitute a court operation. As used in this chapter and notwithstanding any other law to the contrary, "costs of maintenance and operation of the judicial branch" shall include all costs and expenses related to the operation of the supreme judicial court, the appeals court, the trial court and its departments and divisions, district attorneys' offices, law libraries, registries of probate, clerks' offices and expenses incurred for assignment by the court of counsel as the court determines, and without limiting the generality of the foregoing shall also include all salaries of probation and court officers and other persons employed in such courts, offices and places, but in no event shall costs include any costs or expenses related to registries of deeds, sheriffs' offices, county jails or county houses of correction, except as otherwise provided by law.

Section 2. All books, papers, equipment, furnishings, uniforms, supplies, records and documents purchased by the counties and in the custody of or maintained primarily for the use of the judicial branch are hereby declared to be the property of the commonwealth, and shall be under the control of the judicial branch thereof.

Section 3. All fees, fines, forfeitures, penalties and any other receipts or income of any kind paid to or received by any of the courts, clerks, registers, recorders or other officers or employees of the judicial branch shall be paid into the general fund of the commonwealth except as otherwise specifically provided by law. The provisions of this section shall not include a registry of deeds and office of an assistant recorder of the land court in connection therewith.

Section 4. Notwithstanding the provisions of section thirty-four of chapter thirty-five, suitable quarters and space as are now occupied or may in the future be occupied by the judicial branch in buildings owned by a county, city or town shall be rented by the judicial branch from such county, city or town and the rent paid shall be equitably established taking into account the cost of maintenance, repairs, utilities and the annual debt service provided or paid by such county, city or town with respect to such building; provided, however, that in no event shall the portion of the rent established on account of annual debt service paid on the building exceed a fraction, the denominator of which is the total square feet of usable floor space within the building and the numerator of which is the total square feet of usable floor space occupied by the judicial branch. In the event the parties are unable to agree to the rent that should be established, the state superintendent of buildings shall, after hearing if requested by either party, establish such rent, provided however that either party may appeal to the supreme judicial court. The chief administrative justice shall be responsible for negotiating leases between the judicial branch and other parties, subject to the approval of the chief justice of the supreme judicial court,

and in compliance with laws and regulations governing state leases.

Notwithstanding the provisions of this section, no payments for rent shall exceed the prevailing rent a commercial establishment would pay for comparable space in that geographic area, excluding that portion of said prevailing rent attributable to property taxes.

Section 5. If all or substantially all of any building owned by a county, city or town is occupied by the judicial branch, then the chief justice of the supreme judicial court, upon the recommendation of the chief administrative justice of the trial court, if applicable, may recommend to the general court that such building be acquired by the commonwealth. Any such recommendation shall be accompanied by an estimate of the fair market value of the property, and an estimate of the cost of maintenance, repair and necessary operating expenses.

SECTION 13. Chapter 32 of the General Laws is hereby amended by striking out section 65A, as most recently amended by section 1 of chapter 883 of the acts of 1973, and inserting in place thereof the following section:-

Section 65A. A chief justice or any associate justice of the appeals court, or any justice of the trial court of the commonwealth, who was appointed to any such judicial office prior to January second, nineteen hundred and seventy-five, and a chief justice or any associate justice of the supreme judicial court, and who shall be retired under Article LVIII of the Amendments to the Constitution shall thereupon be entitled to receive pension for life at an annual rate equal to three fourths of the annual rate salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

Said chief justice, justice, associate justice, judge, or associate judge of any such court or courts, subject to the above limitations and, who after having served in any such office or offices at least fifteen years continuously, notwithstanding that this continuous service may involve one or more appointments made subsequent to January second, nineteen hundred and seventy-five, and having attained the age of sixty-five years but not having attained the age of seventy years, shall retire from or resign his office, shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such resignation or retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. A chief justice, justice, associate justice, judge or associate judge of any such court who does not qualify for a pension under any of the foregoing provisions of this section upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a pension for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement or resignation multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or

more which he has served in such office, or offices, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. For the purposes of this paragraph a year of previous service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year. A chief justice, justice, associate justice, judge or associate judge of any such court or courts shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E, inclusive, of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a pension for life equal to three fourths of the average annual compensation paid him for such service during the ten years next preceding such retirement or resignation.

For the purposes of this section any chief justice, judge or justice appointed to the superior court, the land court, a housing court, the Boston municipal court, a juvenile court, a probate court or a district court who is holding office on July first, nineteen hundred and seventy-eight, shall be deemed to have been appointed to the trial court. Any such chief justice, justice or judge who is retired or who has resigned from any such court prior to July first, nineteen hundred and seventy-eight, shall continue to receive the pension he was entitled to receive at the time of such retirement or resignation.

SECTION 14. Said chapter 32 of the General Laws is hereby further amended by striking out sections 65D to 65F, inclusive, and inserting in place thereof the following four sections:-

Section 65D. A chief justice or any associate justice of the appeals court or any justice of the trial court of the commonwealth, appointed on or after January second, nineteen hundred and seventy-five, and who is not included under sections sixty-five A or sixty-five B by way of previous appointment to judicial office, shall be subject to the following retirement provisions. No other retirement provisions shall be applicable to judges first appointed on or after January second, nineteen hundred and seventy-five, except as provided in section sixty-five A in the case of a chief justice or an associate justice of the supreme judicial court.

(a) Any such judge appointed on or after January second, nineteen hundred and seventy-five shall be subject to this section within ninety days of his appointment.

(b) There shall be deducted and withheld from the salary of each judge appointed on or after January second, nineteen hundred and seventy-five, a sum equal to seven per cent of the

salary of such judge. The amounts so deducted and withheld from the salary of each judge shall, in accordance with such procedures as may be prescribed by the retirement board of the retirement system established for the particular governmental unit from which such judge receives his regular compensation, be deposited to the credit of a fund to be known as the "judges retirement fund". The amounts so deducted shall be credited to the individual accounts of the respective members for whom such deductions have been made in such manner as may be prescribed by the retirement board.

(c) Each such judge first appointed to judicial office on or after January second, nineteen hundred and seventy-five and who (1) shall be retired under Article LVIII of the Amendments to the Constitution, or (2) shall have served in such office or offices for at least fifteen years continuously and has attained the age of sixty-five years but not having attained the age of seventy, and shall resign his office, shall thereupon be entitled to receive a retirement allowance for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement or resignation. For the purpose of clause (2), a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(d) Any such judge who does not qualify for a retirement allowance under the provisions of paragraph (c) upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a retirement allowance for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or more which he has served in such office or offices. For the purposes of this paragraph, a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(e) A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or

resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a retirement allowance for life equal to three fourths of the average annual compensation paid him for such services during the ten years next preceding such retirement or resignation, provided that such justice deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service plus regular interest to the date of such deposit.

(f) If any such judge resigns from office and does not meet the requirements for retirement or resignation set forth in paragraph (c) or (d) of this section the amount credited to his individual account plus interest shall be returned to him within thirty days of such resignation.

(g) The provisions of section sixty-five C shall apply to those judges first appointed on or after January second, nineteen hundred and seventy-five.

(h) The payment of pensions, annuities, retirement allowance and refunds to the various judges who are retired or who resign under the provisions of this section, to the various judges subject to the provisions of the fourth paragraph of section sixty-five B, and to the surviving spouses of such judges under the provisions of section sixty-five C shall be made from the judges' retirement fund, provided that any amount needed for the payment of such pensions, annuities, retirement allowances or refunds in excess of the amount on deposit in the judges' retirement fund shall be paid from the same source from which the salaries of like judicial officers of the courts of such various judges are paid.

For the purposes of this section any judge or justice appointed to the superior court, the land court, a housing court, the Boston municipal court, a juvenile court, a probate court or a district court, who is holding office on July first, nineteen hundred and seventy-eight, shall be deemed to have been appointed to the trial court. Any such chief justice, justice or judge who is retired or who has resigned from any such court prior to July first, nineteen hundred and seventy-eight shall continue to receive the pension he was entitled to receive at the time of such retirement or resignation.

Section 65E. (a) A chief justice or any associate justice of the supreme judicial court, who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the supreme judicial court. The chief justice of the supreme judicial court may place the name of any such chief justice or associate justice on the list of retired justices of the supreme judicial court. With respect to those whose names have been placed on such list upon retirement, any retired chief justice or associate justice or any surviving spouse of such chief justice or associate justice shall be entitled to the same pension

and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired chief justice or associate justice.

(b) A retired chief justice or associate justice of the supreme judicial court whose name has been placed on a list of retired justices or judges shall be eligible, for a term of two years, to perform judicial duties only as provided in section twenty-four of chapter two hundred and eleven, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired chief justice or associate justice no longer wishes to be eligible to perform judicial duties pursuant to said section twenty-four of said chapter two hundred and eleven, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired chief justice or associate justice of the supreme judicial court, while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of judge of the court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

Section 65F. (a) A chief justice or any associate justice of the appeals court, who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the appeals court. The chief justice of the supreme judicial court may place the name of any such chief justice or associate justice on the list of retired justices of the appeals court. With respect to those whose names have been placed on such list upon retirement, any retired chief justice or associate justice or any surviving spouse of such chief justice or associate justice shall be entitled to the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired chief justice or associate justice.

(b) A retired chief justice or associate justice of the appeals court whose name has been placed on a list of retired justices or judges shall be eligible, for a term of two years, to perform judicial duties only as provided in section sixteen of chapter two hundred and eleven A, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon his request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired chief justice or associate justice no longer wishes to be eligible to perform judicial duties pursuant to said section sixteen of said chapter two hundred and eleven A, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired chief justice or associate justice of the appeals court, while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of judge of the court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

Section 65G. (a) Any justice of a department of the trial court who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the trial court of the commonwealth. Said chief justice may place the name of any such justice on the list of retired justices for the trial court of the commonwealth. With respect to those whose names have been placed on such list upon retirement, any retired justice or any surviving spouse of a retired justice shall be entitled to the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired justice.

(b) A retired justice whose name has been placed on a list of retired justices shall be eligible, for a term of two years, to perform judicial duties only as provided in section fourteen of chapter two hundred and eleven B, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to said section fourteen of said chapter two hundred and eleven B, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his surviving spouse shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(d) A retired justice eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of a justice of the trial court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

(e) Any justice who has been retired from any predecessor

court to a department, or a division thereof, of the trial court, shall be eligible for service as hereinbefore provided to the same extent as if he had been retired from the trial court.

SECTION 15. Paragraph (a) of section 91 of said chapter 32, as most recently amended by section 2 of chapter 864 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

No person while receiving a pension or retirement allowance from the commonwealth, or from any county, city, town or district, shall, after the date of his retirement be paid for any service rendered to the commonwealth or any county, city, town or district, except upon his return and restoration to active service as ordered by the appropriate retirement board after reexamination in case of retirement for disability, for jury service, for services as a retired chief justice or associate justice under the provisions of section twenty-four of chapter two hundred and eleven, for services as a retired chief justice or associate justice under the provisions of section sixteen of chapter two hundred and eleven A, for services as a retired justice under the provisions of section fourteen of chapter two hundred and eleven B, for service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, for work as an election officer at a polling place at a primary or election, for service in a public office to which he has thereafter been elected by direct vote of the people, for service rendered as an appointee under section sixteen of chapter two hundred and eight or section fifty-six A of chapter two hundred and fifteen, for service rendered when recalled under section fifteen A of chapter twenty-three, for service in a confidential capacity under section seven of chapter thirty in the executive department, or in the department of the state secretary, the state treasurer, the state auditor or the attorney general, for services rendered as an auditor or master by appointment of the probate court, the superior court or the supreme judicial court, for contractual service, or service as a nonemployee, rendered to the general court, for service as a physician, or as a member of a medical panel or similar board under this chapter, aggregating not more than thirty days in any year, or for emergency service for a period not to exceed one year in any position after certification that an emergency exists, that a vacancy exists, and that no person having the same or similar skill is available for such position, which certification shall, in each instance, be made by the appointing authority and, if the position is subject to the civil service laws or in the case of a state employee holding a position not subject to the provisions of chapter thirty-one, by the personnel administrator, in the case of a county employee, by the board of county commissioners, in the case of a city employee, by the city manager in a city having a Plan D or Plan E charter and by the mayor in any other city, and in the case of a town employee, by the board of selectmen; provided, that there shall be deducted from the compensation for the services of any person employed in a confidential capacity or for emergency service other than service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, as aforesaid, an amount equal to the retirement

allowance or pension received by him.

SECTION 16. Chapter 639 of the acts of 1950 is hereby amended by striking out section 16A, inserted by section 5 of chapter 579 of the acts of 1968, and inserting in place thereof the following section:-

Section 16A. During a state of emergency, the administrative justice of the district courts may direct that a district court shall be held at any place or places, including other district courthouses, outside the district of which said court has jurisdiction, and at such times, including Sundays, as he may direct; and said administrative justice may direct justices, clerks, probation officers and any other personnel of other district courts to act as such in a district court other than their own; and with the concurrence of the administrative justice of the municipal court of the city of Boston, the administrative justice of the district courts may direct any district court to hold sessions in the said municipal courthouse, and may employ such justices, clerks, probation officers or other personnel of said municipal court as the administrative justice of the said municipal court may designate; and the administrative justice of the municipal court of the city of Boston may direct that said court shall be held at any place or places outside the district over which said court has jurisdiction, and at such times, including Sundays, as he may direct; and with the concurrence of the administrative justice of the district courts, the administrative justice of the municipal court of the city of Boston may direct that the municipal court hold sessions in any district courthouse, and may employ such justices, clerks, probation officers or other personnel of any district court as the administrative justice of the district court may designate; and with the concurrence of the administrative justice of the superior court, the administrative justice of the district courts or the administrative justice of the municipal court of the city of Boston may order the holding of sessions of any district court or said municipal court in any premises of the superior court that the administrative justice of the superior court may designate; and with the concurrence of the justice of the Boston juvenile court and the administrative justice of the district courts, jurisdiction over any matters pending in said juvenile court may be transferred to another court as defined in section fifty-two of chapter one hundred and nineteen of the General Laws, and jurisdiction of any matter so transferred shall remain therein after the termination of the emergency unless the administrative justice of the district courts and the justice of the Boston juvenile court concur that said matter ought to be transferred back to the Boston juvenile court. In the event of the absence from the commonwealth, illness or other disability of the justice of the Boston juvenile court, the administrative justice of the district courts may act as aforesaid without his concurrence; and in the event of any such disability of any of said administrative justices to act as aforesaid, any other justice previously designated by any of said administrative justices may act in his stead, or if no such designation has been made, or if a justice so designated is similarly disabled, or in any other instance where the chief justice of the supreme judicial court shall deem

it necessary, the chief justice of the supreme judicial court may act in his stead or designate any other justice of any court so to act.

SECTION 17. Section 3 of chapter 34 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence:- Each county shall provide suitable jails, houses of correction, fireproof offices and other public buildings necessary for its use except that the county of Dukes need not provide a house of correction, and that Boston shall provide necessary public buildings for Suffolk county.

SECTION 18. The first sentence of section 14 of said chapter 34, as so appearing, is hereby amended by striking out, in line 3, the words "court houses,".

SECTION 19. Chapter 35 of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The treasurer shall be provided by the county with an office and shall be allowed such clerical assistance as shall be approved by the county commissioners with compensation payable by the county.

SECTION 20. Section 11 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 694 of the acts of 1974, and inserting in place thereof the following sentence:- No payments, except payments of expenses in criminal prosecutions or for assignment of counsel by a court, in either case as authorized by law, or of the compensation or salaries of elected county officers other than a clerk of courts, a district attorney, a register of probate or other officer whose salary is provided for in section ninety-four of chapter two hundred and twenty-one, or of outstanding notes or bonds and of interest thereon, reasonable expenses incurred by the treasurer as a party in representing the county which have been certified by the director of accounts, and non-contributory pensions authorized under any general or special law, shall be made by a treasurer except upon orders drawn and signed by a majority of the county commissioners, certified by their clerk and accompanied, except in Suffolk county, by the original bills, vouchers or evidences of county indebtedness for which payment is ordered, stating in detail the items and confirming the account.

SECTION 21. Said chapter 35 is hereby further amended by striking out section 12, as amended by section 2 of said chapter 694, and inserting in place thereof the following section:-

Section 12. Original bills or vouchers for services and expenses incident to the sittings of the supreme judicial or superior court under section eight of chapter two hundred and thirteen or for court costs for indigent parties in the supreme judicial, appeals, or superior courts, or in any probate, district, municipal, juvenile or housing court under section twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, shall be delivered to the state treasurer.

SECTION 22. Section 19 of said chapter 35 is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

County salaries shall, except as otherwise provided, be payable in monthly installments on the first day of the month.

SECTION 23. Section 22 of said chapter 35, as most recently amended by chapter 87 of the acts of 1952, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Interest thereon shall be paid to the county, except that interest accruing to deposits by registers of probate and clerks of courts shall be paid to the commonwealth; provided, that interest accruing on the deposit as aforesaid of any money paid to any official mentioned in this section which is so paid under order of a court or which is otherwise subject to the direction of a court shall, if the court so directs, be paid to the parties entitled to the principal fund of such deposit.

SECTION 24. Said chapter 35 is hereby further amended by striking out section 22A, inserted by chapter 27 of the acts of 1975, and inserting in place thereof the following section:-

Section 22A. County treasurers, court clerks, sheriffs and masters of jails and houses of correction, probation officers, registers of probate and insolvency and registers of deeds shall not deposit any of the funds for which they are accountable in any national bank, trust company or banking company with which such treasurer or officer is associated as an officer or employee or has been associated as an officer or employee at any time during the preceding three years.

SECTION 25. Said chapter 35 is hereby further amended by striking out section 23, as amended by section 6 of chapter 849 of the acts of 1969, and inserting in place thereof the following section:-

Section 23. Money paid into the courts in any county shall, if possible be placed at interest by the clerks thereof, and the interest shall be available for the uses of the commonwealth unless the court directs it to be paid to the parties to the litigation in connection with which such money was paid into court. All interest in the custody of any clerk of said courts not directed to be paid as aforesaid, remaining after payment by order of the court of the principal fund to parties litigant entitled thereto, shall annually be paid to the state treasurer between the first and tenth days of each fiscal year, to be used for the general purposes of the commonwealth.

SECTION 26. Section 26 of said chapter 35 is hereby amended by striking out the last sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence:- They shall present a table showing the salaries paid to county officers, stating separately those prescribed by law, a statement of the county debt, giving the date when each obligation will mature and the rate of interest, stating separately the loans made in anticipation of taxes and permanent loans, a statement of

the amount of county taxes due and unpaid, and a list of the assets of the county, including land, buildings, furniture in jails and other public buildings.

SECTION 27. The first paragraph of section 34 of said chapter 35, as most recently amended by chapter 44 of the acts of 1975, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Rentals and leases of real property may be entered into for a period not to exceed five years, provided that such limitation shall not apply to leases with the judicial branch of the commonwealth.

SECTION 28. Section 49 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 731 of the acts of 1972, and inserting in place thereof the following sentence:- Every office and position the salary of which is wholly payable from the treasury of one or more counties, or from funds administered by and through county officials, excluding the offices of county commissioners, the register of deeds and the assistant registers of deeds for the county of Suffolk, the sheriff of the county of Suffolk, and excluding offices and positions filled by appointment of the governor with the advice and consent of the council, and offices and positions payable under chapter twenty-nine A, shall be classified by the board in the manner provided by sections forty-eight to fifty-six, inclusive, and every such office and position, now existing or hereafter established, shall be allocated by the board to its proper place in such classification.

SECTION 29. The third paragraph of section 51 of said chapter 35 is hereby amended by striking out the first sentence, as most recently amended by chapter 8 of the acts of 1976, and inserting in place thereof the following sentence:- Any employee subject to sections forty-eight to fifty-six, inclusive, except superintendent and assistant superintendent of hospital, the chief of medical staff and the administrator at the Barnstable county hospital, superintendent and assistant superintendent of training school, superintendent and assistant superintendent of buildings, superintendent of industrial farm, superintendent of state reservation, director of agricultural school, director of extension service, master and keeper and assistant master and keeper of jail and house of correction, assistant registers of deeds, county health officer, county engineer and county dog officer, who has completed at least five years of service may not be discharged from such employment except for just cause and for reasons specifically given him in writing by the appointing authority.

SECTION 30. Paragraph (1) of section 51B of said chapter 35 is hereby amended by striking out the introductory paragraph, as appearing in section 2 of chapter 621 of the acts of 1957, and inserting in place thereof the following paragraph:-

Said classification and compensation plans shall be amended so that each office and position shall be allocated by said board to the proper job group in the following salary schedule; except that, in the case of elected officials, patient help, part time officers or employees, or in unusual circumstances, the board may fix salaries or wages for individual positions upon notice to

the county commissioners and employing authority, and in such cases the positions shall not be allocated in said salary schedule:.

SECTION 31. Chapter 37 of the General Laws is hereby amended by striking section 16, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 16. Sheriffs, by themselves or by their deputies may attend any session of the supreme judicial and superior courts in their respective counties, as may be requested by the chief administrative justice, and when required, meetings of the county commissioners. Notwithstanding any other provision of law, sheriffs shall not be required to supervise any officers for attendance on the various courts.

SECTION 32. The first paragraph of section 17 of chapter 40A of the General Laws, as appearing in section 3 of chapter 808 of the acts of 1975, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Any person aggrieved by a decision of the board of appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the superior court department for the county in which the land concerned is situated or, if the land is situated in Hampden county, either to said superior court department or to the division of the housing court department for said county, or to the division of the district court department within whose jurisdiction the land is situated except in Hampden county, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk. If said appeal is made to said division of the district court department, any party shall have the right to file a claim for trial of said appeal in the superior court department within twenty-five days after service on the appeal is completed, subject to such rules as the supreme judicial court may prescribe.

SECTION 33. Section 92 of chapter 41 of the General Laws, as most recently amended by chapter 237 of the acts of 1972, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- A constable who has filed such bond, in a sum of not less than three thousand dollars, may, within his town, also serve any such writ or other process in which the damages are laid at a sum not exceeding one thousand five hundred dollars, and any process in replevin in which the subject matter does not exceed in value one thousand five hundred dollars.

SECTION 34. Subsection (c) of section 33 of chapter 55 of the General Laws, as appearing in section 1 of chapter 151 of the acts of 1975, is hereby amended by striking out, in line 6, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 35. Section 2 of chapter 76 of the General Laws is hereby amended by striking out the third sentence, as amended by section 1 of chapter 659 of the acts of 1965, and inserting in place thereof the following sentence:- The Boston juvenile court shall have jurisdiction within the territorial limits described in

section fifty-seven of chapter two hundred and eighteen of complaints hereunder.

SECTION 36. Section 9 of chapter 80A of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The administrative justice for the superior court department shall preside or designate a justice sitting in said department to preside over the sittings of such special jury, who shall have in the hearing and determination of such applications all the powers of a justice appointed to said department presiding over the trial of an ordinary civil action.

SECTION 37. The seventh paragraph of section 11C of chapter 85 of the General Laws, as appearing in chapter 596 of the acts of 1973, is hereby amended by striking out the fourth sentence and by inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments; provided, however, that any city or town may request that the notice prepared for said city or town pursuant to section twenty A or section twenty C of chapter ninety be so revised or adapted that said notice may also be used for the notice provided for in this section.

SECTION 38. The second paragraph of section 18A of chapter 90 of the General Laws, as most recently amended by chapter 128 of the acts of 1964, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The notice to appear as provided herein shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments.

SECTION 39. The third paragraph of section 20A of said chapter 90 is hereby amended by striking out the fourth sentence, as amended by section 4 of chapter 786 of the acts of 1962, and inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the district court department may prescribe.

SECTION 40. The sixth paragraph of section 20C of said chapter 90, as most recently amended by section 1 of chapter 451 of the acts of 1963, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The notice to appear, provided herein, shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for their respective departments.

SECTION 41. Said chapter 90 is hereby further amended by inserting after section 20E the following section:-

Section 20F. Notwithstanding any provisions of the General Laws to the contrary, any police officer who takes cognizance of a violation of chapters eighty-five to ninety D, inclusive, involving the operation of a motor vehicle, other than a violation involving the parking of motor vehicles, where the maximum statutory penalty does not exceed one hundred dollars for the first offense and which does not provide for a penalty of imprisonment, shall forthwith give to the offender a citation, known throughout the commonwealth as a uniform traffic citation. Such citation shall contain the statement provided for under the definition of "citation" in section one of chapter ninety C, and shall notify the offender that he may waive his right to trial and pay the maximum statutory penalty by appearing before a magistrate of the district court having jurisdiction of the judicial district in which the violation occurred at any time during office hours not later than ten days after the date of said violation. The administrative justice for the district court department, or the administrative justice for the Boston municipal court department as the case may be, shall prepare, sign, and distribute a citation to be used by all law enforcement officers, including the state police, officers of the registry and the metropolitan district commission police, which shall include a space in which the officer shall insert the name of the district court having jurisdiction of the judicial district in which the violation occurred. Each citation, which shall be printed in quadruplicate, shall contain a space for the name and address of the offender, the number of his license to operate motor vehicles, the registration number of the vehicle involved, the time and place of the violation, the specific offense charged, the maximum statutory penalty for such offense, and the time and place for appearance in the event a trial is necessary or desired. Such citation shall be signed by the officer and by the offender to acknowledge that the citation has been received.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each citation issued during such tour of duty. Said commanding officer shall retain one copy for department use and shall at a time not later than the beginning of the next court day cause to have delivered two such copies to the magistrate of the court before whom the offender has been notified to appear. The magistrate of each district court shall maintain a separate docket for all such citations and shall periodically forward copies of such citations to the registry. No other form of notice, except as provided in this section, shall be given to the offender.

Any person receiving a citation pursuant to this section may appear before a magistrate of the appropriate district court and confess the offense charged, either personally or through an agent duly authorized in writing, or may mail to such magistrate, with the citation, the maximum statutory fine provided therein. Such payment shall be made only by postal note, money order, or check. The payment to the magistrate of such penalty shall operate as a final disposition of the case.

If the citation is so returned by the offender, such an appearance shall not be deemed a criminal proceeding for the purposes of this chapter. The offender shall not be required to report to any probation officer and no record of the case shall be entered

in any probation records.

Should any person notified to appear hereunder fail to appear and to pay the fine hereinbefore provided, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the clerk shall as soon as may be notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summons issued upon such complaint, the clerk shall, in the case of a first or second offence but for no subsequent offence, send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued and the registrar of motor vehicles notified to suspend his right or license to operate motor vehicles. If any person fails to appear within twenty-one days from the sending of such notice or in accordance with the summons issued upon such complaint, as the case may be, the court may issue a warrant for his arrest and the registrar shall be notified that he may suspend the right or license of such person to operate a motor vehicle after due hearing pursuant to section twenty-two, because of his failure to so appear. The magistrate of the court shall, if the citation is properly returned at a later time, notify the registrar forthwith of such fact.

Either party may appeal the finding and disposition of the magistrate to a justice of the court in which the case was heard, who shall then hear the case de novo. The decisions of the judge shall then be final, subject to normal appellate review.

The magistrates of the respective district courts shall distribute such citations to the commanding officers of police departments upon request and may request a receipt therefor. Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

The term district court as used in this section shall include the Boston municipal court department.

SECTION 42. The first paragraph of section 4A of chapter 90C of the General Laws, as most recently amended by chapter 221 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Such waivers and pleas shall be made in writing on forms which shall be established for their respective departments by the administrative justice for the Boston municipal court department and the administrative justice for the district court department.

SECTION 43. The second paragraph of said section 4A of said chapter 90C, as amended by chapter 221 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Fines under this section shall be in accordance with a schedule of fines which shall be established by the administrative justice for the Boston municipal court department for use in said department, and by the senior justice of each division of the district court department, with the approval of the administrative justice for said district court department, for use in said division; provided, however,

that fines for violations of said section nineteen A shall be computed in the manner provided by section twenty of chapter ninety on the basis of the number of pounds of excess weight alleged.

SECTION 44. Said section 4A of said chapter 90C, as amended by chapter 331 of the acts of 1973, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

This section shall not apply to any person summonsed to appear on a complaint alleging violation of any law relating to the operation and control of motor vehicles, other than a law pertaining to parking or bicycles, who has been previously convicted, within a period of twelve months, of the violation of any such law relating to the operation or control of motor vehicles nor, without special permission of the administrative justice for the Boston municipal court department or the senior justice of each division of the district court department, as the case may be, to any complaint wherein the court has issued a warrant for failure of the defendant to appear on a summons, properly served, nor to any delinquent child as described in section fifty-eight B of chapter one hundred and nineteen.

SECTION 45. Paragraph (1) of section 9 of chapter 93A of the General Laws, is hereby amended by striking out, in line 7, the words "in equity", as appearing in section 1 of chapter 736 of the acts of 1970, and inserting in place thereof the words:- whether by way of original complaint, counterclaim, cross-claim or third-party action.

SECTION 46. Said section 9 of said chapter 93A is hereby further amended by inserting after paragraph (3) the following paragraph:-

(3A) A person may assert a claim under this section in a district court, whether by way of original complaint, counterclaim, cross-claim or third-party action, for money damages only. Said damages may include double or treble damages, attorneys' fees and costs, as herein provided. The demand requirements and provision for tender of offer of settlement provided in paragraph (3) shall also be applicable under this paragraph, except that no rights to equitable relief shall be created under this paragraph, nor shall a person asserting a claim hereunder be able to assert any claim on behalf of other similarly injured and situated persons as provided in paragraph (2). The provisions of sections ninety-five to one hundred and ten, inclusive, of chapter two hundred and thirty-one, where applicable, shall apply to a claim under this section, except that the provisions for remand, removal and transfer shall be controlled by the amount of single damages claimed hereunder.

SECTION 47. The first paragraph of section 11 of said chapter 93A, as appearing in section 2 of chapter 614 of the acts of 1972, is hereby amended by striking out, in lines 7 and 8, the words "in equity" and inserting in place thereof the following words:- whether by way of original complaint, counterclaim, cross-claim or third-party action.

SECTION 48. Said section 11 of said chapter 93A is hereby further amended by inserting after the third paragraph the following paragraph:-

A person may assert a claim under this section in a district court, whether by way of original complaint, counterclaim, cross-claim or third-party action, for money damages only. Said damages may include double or treble damages, attorneys' fees and costs, as hereinafter provided, with provision for tendering by the person against whom the claim is asserted of a written offer of settlement for single damages, also as hereinafter provided. No rights to equitable relief shall be created under this paragraph, nor shall a person asserting such claim be able to assert any claim on behalf of other similarly injured and situated persons as provided in the preceding paragraph. The provisions of sections ninety-five to one hundred and ten, inclusive, of chapter two hundred and thirty-one, where applicable, shall apply to a claim under this section, except that the provisions for remand, removal and transfer shall be controlled by the amount of single damages claimed hereunder.

SECTION 49. Section 24 of said chapter 119 is hereby amended by striking out, in line 5, the words "the territorial limits of said juvenile courts", as appearing in section 8 of chapter 731 of the acts of 1972, and inserting in place thereof the words:- Suffolk county and except the municipal and district courts located within the territorial limits of the Worcester, Bristol county, and Springfield juvenile courts.

SECTION 50. Said section 24 of said chapter 119, as most recently amended by section 3 of chapter 276 of the acts of 1975, is hereby further amended by adding the following sentence:- The jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the territorial limits of Suffolk county.

SECTION 51. Chapter 119 of the General Laws is hereby amended by striking out section 27, as amended by chapter 1005 of the acts of 1973, and inserting in place thereof the following section:-

Section 27. The child, parent, guardian or person appearing in behalf of such child, or the department, may appeal from the adjudication of the court to the juvenile appeals session of the district courts for the county where the hearing is held, as designated by the administrative justice therefor, except as provided in section fifty-seven of chapter two hundred and eighteen; and also may appeal at the time of the order of commitment, in which events the entire case shall be before the court as if originally commenced therein; and the child may be committed to the custody of the department or placed in the care of some suitable person or licensed children's foster care agency pending determination of the appeal. Such appeal shall be entered in the appeals session by the court from which the appeal is taken, without payment of any entry fee, and said appeals session may advance such complaint for speedy trial. The court shall notify the child, parent, guardian or person appearing in behalf of such child of the right of appeal at the time of adjudication and

also at the time of commitment.

SECTION 52. The first paragraph of section 39E of said chapter 119, as appearing in section 5 of chapter 1073 of the acts of 1973, is hereby amended by striking out, in the first sentence, the words "municipal court of the Roxbury district", the municipal court of the city of Boston and inserting in place thereof the following words: municipal and district courts within Suffolk county.

SECTION 52A. Said first paragraph of said section 39E, as so appearing, is hereby further amended by adding the following sentence:- The jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the territorial limits of Suffolk county.

SECTION 53. Section 39E of said chapter 119, as so appearing, is hereby amended by adding the following paragraph:-

The hearing of a petition filed under section thirty-nine E in a division of the district court department or of the juvenile court department shall be by a jury of six, unless the child files a written waiver and consent to the petition being heard without a jury, subject to his right of appeal therefrom for trial by a jury of six pursuant to section thirty-nine I. Such waiver shall not be received unless the child is represented by counsel or has filed, through his parent or guardian, a written waiver of counsel. Such trials by jury in the first instance shall be in jury sessions designated for their respective departments by the administrative justices of the district and juvenile courts for the hearing of appeals claimed pursuant to section thirty-nine I. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 54. Said chapter 119 is hereby further amended by striking out section 39I, inserted by section 5 of chapter 1073 of the acts of 1973, and inserting in place thereof the following section:-

Section 39I. Any child who is adjudicated a child in need of services may appeal for a trial de novo in a jury-of-six session of the district courts for the county where the hearing is held, as designated by the administrative justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen. Such appeal shall be made by filing a written notice of same by the end of the next business day after the entry of judgment or adjudication, or within such further time as the court may allow.

The child may waive his claim to jury trial and have the appeal heard by a judge without jury. When an appeal is claimed, the clerk of the court in which said claim is filed shall forward forthwith all papers in the case to the clerk of the court designated to hear such appeals. The verdict of the jury shall be unanimous and the court shall enter and record its findings upon the verdict of the jury.

All the rights and procedures provided in sections thirty-nine E to thirty-nine H, inclusive, shall apply at the trial of the appeal. The justice presiding at said trial shall have all the powers and

duties of a justice sitting in a juvenile court, or in a district court juvenile session, under this chapter. No justice shall preside over a trial on appeal in a case in which he presided at the initial trial. The trial on appeal in a district court jury session shall be heard in a session set apart from the other business of the district court and devoted exclusively to juvenile cases. This shall be known as the juvenile appeals session and shall have a separate trial list and docket.

An appeal shall not stay the order, judgment or decree appealed from, but the district court or juvenile court may otherwise order, on application and hearing consistent with this chapter, if suitable provision is made for the care and custody of the child.

SECTION 55. Section 52 of said chapter 119 is hereby amended by striking out the definition of "Court", as most recently amended by section 9 of chapter 731 of the acts of 1972, and inserting in place thereof the following definition:-

"Court", a division of the juvenile court department or of the district court department, except the central district court of Worcester, the district court of Springfield, the first district court of Bristol, the second district court of Bristol, the third district court of Bristol, and the fourth district court of Bristol.

SECTION 56. Said chapter 119 is hereby further amended by inserting after section 55 the following section:-

Section 55A. Trial of a child complained of as a delinquent child in a division of the district court department or of the juvenile court department shall be by a jury, unless the child files a written waiver and consent to be tried by the court without a jury, subject to his right of appeal therefrom for trial by a jury pursuant to section fifty-six. Such waiver shall not be received unless the child is represented by counsel or has filed, through his parent or guardian, a written waiver of counsel. Such trials by jury in the first instance shall be in jury sessions designated for their respective departments by the administrative justices of the district and juvenile courts for the hearing of appeals claimed pursuant to said section fifty-six. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 57. Said chapter 119 is hereby amended by striking out section 56, as most recently amended by section 2 of chapter 431 of the acts of 1977, and inserting in place thereof the following section:-

Section 56. Hearings upon cases arising under sections fifty-two to sixty-three, inclusive, may be adjourned from time to time. A child adjudged a delinquent child may, upon adjudication, appeal to a jury session in the district courts for the county where the hearing is held, as designated by the administrative justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen. Said child may also appeal to said jury session at the time of the order of commitment or sentence, and both at the time of such adjudication and also at the time of such order of commitment or sentence, said child shall be notified of his right to appeal. If said child appeals to the jury session at either of said times, the

said jury session shall thereupon have jurisdiction of such case, and such case shall forthwith be entered in the appropriate jury session, and all papers in the case shall be transferred to the jury session by the clerk of the court where the appeal is claimed. The appeal, if taken, shall be tried and determined in like manner as appeals in criminal cases, except that the trial of such an appeal shall not be in conjunction with the other business of the district court, but shall be held in a session set apart and devoted exclusively to the trial of juvenile cases. This shall be known as the juvenile appeals session, and shall have a separate trial list and docket. All appealed juvenile cases in the district and juvenile courts shall be transferred to such list, and shall be tried, unless otherwise disposed of, by direct order of the court.

In any appealed case, if the allegations with respect to such child are proven, the court shall not commit such child to any correctional institution, jail or house of correction, but may adjudicate such child to be a delinquent child, and may make such disposition as may be made by a court under section fifty-eight. Before making such disposition, the court shall be supplied with a report of any investigation regarding a child made by the probation officer of the court from which the appeal was taken. Section thirty-five of chapter two hundred and seventy-six and section eighteen of chapter two hundred and seventy-eight, relative to recognizances in cases continued or appealed, shall apply to cases arising under sections fifty-two to sixty-three, inclusive.

Subject to the foregoing limitations, the justice presiding over a jury session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein. Trials by juries shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court, except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled. For the jury sessions the superior court shall make available jurors from the pool of jurors for the jury sessions in the superior court. Trial by jury shall be by juries of six persons, except that in those cases where trial would be only upon an indictment were the child an adult, said child shall be entitled to a jury of twelve.

The administrative justices for the district court department and the juvenile court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided for such appeals. Review may be had directly by the appeals court, by a bill of exceptions, appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court. A claim of trial by jury under this section may be withdrawn before trial, in which event trial and disposition of the case shall be by a justice in a juvenile appeals session sitting without jury, or the child may withdraw his appeal and

the case shall thereupon be remanded to the court in which the case was originally tried, for final disposition. The provisions of paragraph (h) of section twenty-seven A of chapter two hundred and eighteen shall also apply to proceedings under this section.

SECTION 58. Section 58 of said chapter 119 is hereby amended by striking out the third paragraph, as most recently amended by section 14 of chapter 1073 of the acts of 1973, and inserting in place thereof the following paragraph:-

If a child adjudged a delinquent child is placed on probation by the justice in the juvenile appeals session, he may be placed in the care of a probation officer of the district court, including in that term a division of the juvenile court department, for the judicial district in which such child resides.

SECTION 59. Said chapter 119 is hereby further amended by striking out section 60A, as most recently amended by section 17 of said chapter 1073, and inserting in place thereof the following section:-

Section 60A. The records of the court, including those of a juvenile appeals session, in all cases of delinquency arising under sections fifty-two to fifty-nine, inclusive, shall be withheld from public inspection except with the consent of a justice of such court, but such records in any such case against any particular child shall be open, at all reasonable times, to the inspection of the child, his or her parent or parents, guardian and attorney, or any of them.

SECTION 60. Section 63 of said chapter 119 is hereby amended by striking out the fourth sentence, as amended by section 3 of chapter 659 of the acts of 1965, and inserting in place thereof the following sentence:- The Boston juvenile court shall have jurisdiction within the territorial limits described in section fifty-seven of chapter two hundred and eighteen of complaints hereunder.

SECTION 61. Section 66 of said chapter 119, as most recently amended by section 2 of chapter 353 of the acts of 1960, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as otherwise provided in section sixty-eight, no child under seventeen years of age shall be committed by the court to a jail or house of correction or to the state farm, pending further examination or trial by the court or pending any continuance of his case or pending the prosecution of an appeal to the juvenile appeals session or upon adjudication as a delinquent child.

SECTION 62. Section 67 of said chapter 119, as most recently amended by section 17 of chapter 838 of the acts of 1969, is hereby further amended by inserting after the word "court", in line 5, the words:- , or of the juvenile court, if there is one,.

SECTION 63. Said chapter 119 is hereby further amended by striking out section 68, as most recently amended by section 2 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 68. A child between seven and seventeen years of age held by the court for further examination, trial or continuance, or for indictment and trial under the provisions of sections seventy-three to eighty-three, or to prosecute an appeal to a juvenile appeals session, if unable to furnish bail, shall be committed by the court to the care of the department of youth services or to a probation officer, a parent, guardian, or other responsible person who shall provide for his safekeeping; provided, however, that the appearance at such examination or trial, or at the prosecution of the appeal of such child, shall be the responsibility of the court for which he is being held in safekeeping.

The department of youth services may provide special foster homes, and places of temporary custody commonly referred to as detention homes of the department of youth services for the care, maintenance and safekeeping of such children between seven and seventeen years of age who may be committed by the court to said department under this section; provided, that no more than five such children shall be detained in any such special foster home at any one time.

A child between seven and seventeen years of age so committed by the court to jail or to the youth service board to await further examination or trial by the Boston juvenile court, the Worcester juvenile court, the Springfield juvenile court, the Bristol county juvenile court, a district court or a juvenile appeals session shall be returned thereto within fifteen days after the date of the order of such commitment, and final disposition of the case shall thereupon be made by adjudication or otherwise, unless, in the opinion of the court, the interest of the child and the public otherwise require.

The provisions of section twenty-four of chapter two hundred and twelve, relative to the precedence of cases of persons actually confined in prison and awaiting trial, shall apply to children held in detention facilities of the department of youth services under this section to prosecute appeals to a juvenile appeals session, or held for indictment and trial under the provisions of sections seventy-two A to eighty-three, inclusive.

Said probation officer shall have the same authority, rights and powers in relation to a child committed to his care under this section, and in relation to a child released to him as provided in section sixty-seven, as he would have if he were surety on the recognizance of such child.

SECTION 64. Section 68A of said chapter 119, as amended by section 19 of chapter 838 of the acts of 1969, is hereby further amended by striking out, in line 4, the words "the superior court" and inserting in place thereof the words:- a juvenile appeals session.

SECTION 65. Section 72 of said chapter 119 is hereby amended by striking out, in line 2, the words "including the superior court on appeal", as appearing in section 3 of chapter 308 of the acts of 1964.

SECTION 66. Section 83 of said chapter 119 is hereby amended by striking out, in lines 11 and 12 the words "the Boston", as appearing in section 8 of chapter 308 of the acts of 1964, and

inserting in place thereof the word:- a.

SECTION 67. The first sentence of the first paragraph of subsection (a) of section 10 of chapter 120 of the General Laws is hereby amended by inserting after the word "court", in line 11, as appearing in section 39 of chapter 838 of the acts of 1969, the words:- or district court juvenile session.

SECTION 68. Said chapter 120 is hereby amended by striking out section 20, as amended by section 50 of said chapter 838, and inserting in place thereof the following section:-

Section 20. (a) If under the provisions of sections eighteen and nineteen the court confirms an order, the person whose liberty is involved may appeal to a district court jury session for a reversal or modification of the confirmation. The appeal shall be taken in the manner provided by law for appeal to the said session from judgments of a justice sitting without jury in criminal cases.

(b) After the hearing of the appeal the jury session may affirm the order of the justice, or modify it, or reverse it and order the appellant to be discharged by the board.

(c) Pending the appeal the appellant shall remain under the control of the board.

SECTION 69. Paragraph (c) of section 8 of chapter 123 of the General Laws, as appearing in section 3 of chapter 356 of the acts of 1976, is hereby amended by striking out, in lines 3 and 4, the words "chief justice of the district courts" and inserting in place thereof the words:- administrative justice for the district court department.

SECTION 70. Paragraph (f) of said section 15 of said chapter 123 is hereby amended by striking out, in line 2, the word "juvenile", as appearing in section 4 of chapter 888 of the acts of 1970.

SECTION 71. Said chapter 123 is hereby further amended by striking out section 33, as amended by section 4R of chapter 1229 of the acts of 1973, and inserting in place thereof the following section:-

Section 33. All necessary expenses attending the apprehension, examination, hearing, commitment or delivery of a mentally ill person, or an alleged alcoholic shall be allowed and certified by the judge, if said person is committed pursuant to this chapter, and presented as often as once a year to the comptroller, who shall examine and audit the same. Necessary expenses attending the apprehension, examination or hearing of any person sought to be committed pursuant to this chapter but not so committed shall be so presented, examined, and audited if they have been allowed in the discretion of the judge and certified by him. All expenses certified, examined and audited as provided in this section shall be paid by the commonwealth. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, said expenses shall be paid by the applicant or by a person in his behalf. The compensation of the physicians and officers taking part in the commitment

or admission of persons to facilities in accordance with this chapter shall be as follows: The fee for each physician making an authorized mental examination and for making a written report thereon to the court, or for making a medical certificate, shall be twenty-five dollars, and twenty cents for each mile traveled one way or such other rate as may be set by the rate setting commission under chapter six A. Any physician required to appear before a judge or justice in any commitment proceedings in which such physician has made an examination, shall receive a fee of twenty-five dollars, and twenty cents for each mile traveled one way for such appearance before the court, or such other rate as may be set by the rate setting commission under chapter six A. The fees for officers serving process shall be the same as are allowed by law in like cases.

SECTION 72. Section 6 of chapter 123A of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 646 of the acts of 1958, and inserting in place thereof the following paragraph:-

If there be no sitting of the superior court in the appropriate county at the time the motion and report are transmitted to the clerk, the clerk shall then transmit a copy of the motion and report to the administration justice for the superior court department, who may act upon the motion.

SECTION 73. Chapter 140 of the General Laws is hereby amended by striking out section 157, as most recently amended by chapter 530 of the acts of 1976, and inserting in place thereof the following section:-

Section 157. If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may

be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

SECTION 74. The definition of "Employer" or "public employer" in section 1 of chapter 150E of the General Laws is hereby amended by striking out the fourth sentence, added by section 2 of chapter 278 of the acts of 1977, and inserting in place thereof the following sentence:- In the case of judicial employees, the employer shall be the chief administrative justice of the trial court or any individual who is designated by him to represent him or act in his interest in dealing with judicial employees.

SECTION 75. The second paragraph of section 3 of said chapter 150E, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by inserting, in line 102, after the words "subdivision thereof," the following words:- or clerk, temporary clerk or assistant clerk of any court, including, without limitation within the term, any division or department of the trial court,.

SECTION 76. The last paragraph of said section 3 of said chapter 150E is hereby amended by striking out the second sentence, added by section 3 of said chapter 278, and inserting in place thereof the following sentence:- The appropriate bargaining units for judicial employees within the provisions of this chapter shall be a professional unit composed of all probation officers and court officers, and a unit composed of all nonmanagerial or nonconfidential staff and clerical personnel employed by the judiciary; provided that court officers in the superior court department for Suffolk and Middlesex counties shall be represented by such other bargaining units as they may elect.

SECTION 77. Section 7 of said chapter 150E, as appearing in section 4 of said chapter 278, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) If a collective bargaining agreement reached by the employer and the exclusive representative contains a conflict between matters which are within the scope of negotiations pursuant to section six of this chapter and any municipal personnel ordinance, by-law, rule or regulation; the regulations of a police chief pursuant to section ninety-seven A of chapter forty-one; the regulations of a fire chief or other head of a fire department pursuant to chapter forty-eight; any of the following statutory provisions or rules or regulations made thereunder:

(a) the second paragraph of section twenty-eight of chapter seven;

(a₁) section six E of chapter twenty-one;

(b) sections fifty to fifty-six, inclusive, of chapter thirty-five;

(c) section twenty-four A, paragraphs (4) and (5) of section

forty-five, paragraphs (1), (4) and (10) of section forty-six, section forty-nine, as it applies to allocation appeals, and section fifty-three of chapter thirty;

(d) sections twenty-one A and twenty-one B of chapter forty;

(e) sections one hundred and eight D to one hundred and eight I, inclusive, and sections one hundred and eleven to one hundred and eleven I, inclusive, of chapter forty-one;

(f) section thirty-three A of chapter forty-four;

(g) sections fifty-seven to fifty-nine, inclusive, of chapter forty-eight;

(g_{1/2}) section sixty-two of chapter ninety-two;

(h) sections fourteen to seventeen E, inclusive, of chapter one hundred and forty-seven;

(i) sections thirty to forty-two, inclusive, of chapter one hundred and forty-nine;

(j) section twenty-eight A of chapter seven;

(k) sections forty-five to fifty, inclusive, of chapter thirty;

(l) sections thirty, thirty-three and thirty-nine of chapter two hundred and seventeen;

(m) sections sixty-one, sixty-three and sixty-eight of chapter two hundred and eighteen;

(n) sections sixty-nine to seventy-three, inclusive, and seventy-five, eighty and eighty-nine of chapter two hundred and twenty-one;

(o) section fifty-three C of chapter two hundred and sixty-two;

(p) sections eighty-four, eighty-five, eighty-nine, and ninety-nine B of chapter two hundred and seventy-six;

(q) section eight of chapter two hundred and eleven B, the terms of the collective bargaining agreement shall prevail.

SECTION 78. Subsection (d) of section 15 of chapter 151A of the General Laws, as appearing in section 1 of chapter 685 of the acts of 1941, is hereby amended by striking out, in lines 11 and 12, the words "chief justice of the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the Boston municipal court department.

SECTION 79. Section 42 of said chapter 151A, as most recently amended by section 15 of chapter 473 of the acts of 1976, is hereby further amended by striking out, in lines 43 to 45, inclusive, the words "chief justice of the municipal court of the city of Boston and the chief justice of the district courts" and inserting in place thereof the words:- administrative justice for the Boston municipal court department and the administrative justice for the district court department.

SECTION 80. Section 11 of chapter 152 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 693 of the acts of 1957, and inserting in place thereof the following paragraph:-

In the event of certification or appeal to the superior court or to the municipal court of the city of Boston, in accordance with this section, except in cases concerning employees of the commonwealth, the industrial accident board shall thereupon become a party to the proceedings and the attorney general shall, if requested by the industrial accident board, represent said board

in any matter relating thereto. The administrative justice for the superior court department shall, in all counties, arrange hearings on workmen's compensation cases so that they shall be heard more speedily than other matters coming before the court sitting without a jury; and in the county of Suffolk said administrative justice shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof. In the event of certification or appeal to the municipal court of the city of Boston the administrative justice therefor shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof.

SECTION 81. Section 1 of chapter 185 of the General Laws is hereby amended by striking out the introductory paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The land court department established under section one of chapter two hundred and eleven B shall be a court of record, and wherever the words "land court", or wherever in this chapter the word "court" is used in that context, they shall refer to the land court department of the trial court, and the words "judge of the land court" or the word "judge", in context, shall mean an associate justice of the trial court appointed to the land court department. The land court department shall have exclusive original jurisdiction of the following matters:.

SECTION 82. The second paragraph of said section 1 of said chapter 185, as amended by section 1 of chapter 183 of the acts of 1937, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- In Suffolk county, and in other counties, the commonwealth shall provide suitable rooms for the sittings of said court in the same building with, or convenient to, the probate court or the registry of deeds.

SECTION 83. Said chapter 185 is hereby further amended by striking out section 2, as amended by section 3 of chapter 409 of the acts of 1937, and inserting in place thereof the following section:-

Section 2. The land court department shall consist of three associate justices appointed to the land court department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the land court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the land court department.

SECTION 84. Section five of said chapter one hundred and eighty-five is hereby repealed.

SECTION 85. Said chapter 185 is hereby further amended by striking out section 6, as most recently amended by chapter 447

of the acts of 1949, and inserting in place thereof the following section:-

Section 6. The governor, with the advice and consent of the council, shall appoint a recorder, who shall be clerk of the court and hold office during good behavior, but subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The recorder shall not be involuntarily separated from service as such except in the manner provided by section four of chapter two hundred and eleven. He shall attend the sessions of the court, keep a docket of all causes, and affix the seal of the court to all processes or papers requiring it. The administrative justice may appoint deputy recorders, who shall perform such duties as the court shall assign to them. The recorder may, with the approval of the administrative justice, appoint a first assistant clerk and an assistant clerk of the land court department and may designate, with like approval, two employees, having the title of deputy assistant clerk, who shall, under his direction, perform the duties of clerk of court.

SECTION 86. Said chapter 185 is hereby further amended by striking out section 7, as amended by section 1 of chapter 705 of the acts of 1973, and inserting in place thereof the following section:-

Section 7. The recorder shall be under the direction of the court, shall have the custody and control of all papers and documents filed with him in any petition for registration, action or proceeding in said court, and shall carefully number and index them. Said papers and documents may be kept in Boston in the recorder's office, which shall be near the land court. He may, with the court's approval, employ necessary assistants and messengers.

SECTION 87. Said chapter 185 is hereby further amended by striking out sections 10A to 13A, inclusive, and inserting in place thereof the following five sections:-

Section 10A. The assistant recorder in any registry district may, with the approval of the administrative justice, appoint one or more technical assistants who shall perform such duties as the court may from time to time assign to them and whose compensation shall be the same as that of the first assistant register of deeds for said registry district.

Section 11. The recorder and all assistant recorders shall be sworn before the administrative justice of the land court, and a record thereof shall be made. They shall give bond in a sum to be fixed by the court, for the faithful performance of their official duties, before entering upon the same. They may administer oaths to persons appearing before them in matters pertaining to the registration of land, if an oath is required. They shall keep accurate accounts of all money received as fees or otherwise, which shall be subject to examination by the director of accounts, in the same manner as accounts of registers of deeds. The recorder shall pay over quarterly to the state treasurer all such money received by him either directly or through the assistant

recorders, except that money so received for the cost of publication of notices and for the payment of services and expenses of sheriffs and deputy sheriffs shall be disbursed directly by the recorder. In case of the absence of an assistant recorder, the assistant register for the district, or if there is no assistant register, the person acting as clerk in the office of the register of deeds, shall perform the duties of the assistant recorder, who shall be responsible for him.

Section 12. The administrative justice for the land court department may appoint one or more examiners of title who shall be attorneys at law and he may also appoint a chief title examiner who shall perform all the duties of an examiner of title and such other duties in connection with the work of the court as the administrative justice or justice may assign. Any deputy recorder appointed under section six, who is designated for the purpose by the administrative justice by a writing filed in the recorder's office, shall in case of absence, sickness or disability of the recorder, or if a vacancy exists in the office of the recorder, perform all of the official duties of the recorder. In case of the absence, sickness or disability of both the recorder and any deputy recorder designated to perform the official duties of the recorder, or of the recorder alone, if a vacancy exists in the position of the deputy recorder designated to perform the official duties of the recorder, the chief title examiner under the title of deputy recorder shall perform all of the official duties of the recorder.

Section 13. Upon request of the administrative justice, the sheriff of any county other than Suffolk shall assign a deputy to attend the sittings of the land court department in that county. The administrative justice shall appoint two officers for attendance upon the sessions of said court in Suffolk county.

Section 13A. At the trial of any issue of fact in the land court department the presiding justice may appoint a stenographer, who shall be sworn and shall attend the trial, or such part thereof as the presiding justice may direct, and perform like duties and receive the same compensation therefor as a stenographer appointed by the superior court who is not on salary; and the sums so payable for his attendance at court and for any transcript of his notes or part thereof furnished to the presiding justice by his direction shall be paid by the commonwealth, upon the certificate of the administrative justice.

SECTION 88. Said chapter 185 is hereby further amended by striking out section 14, as most recently amended by section 132 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 14. The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder - thirty thousand one hundred and thirteen dollars and sixty-five cents.

deputy recorder and chief title examiner - a sum equivalent to

eighty-seven and one half per cent of the salary of the recorder.

first assistant clerk - a sum equivalent to eighty per cent of the salary of the recorder.

title examiners and assistant clerks - a sum equivalent to seventy-five per cent of the salary of the recorder.

The recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

All salaries and expenses of the court shall be paid by the commonwealth, except the salaries of the assistant recorders and the expenses incurred by them under this chapter and the compensation and expenses of their technical assistants appointed under section ten A, which shall be paid by the respective counties. All fees collected by the assistant recorders, except those received upon the filing of petitions, which shall be transmitted with the petitions to the recorder, shall be paid to their respective counties.

SECTION 89. Said chapter 185 is hereby further amended by striking out section 14, as most recently amended by section 88 of this act, and inserting in place thereof the following section:-

Section 14. The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder - thirty-two thousand dollars.

deputy recorder and chief title examiner - a sum equivalent to eighty-seven and one half per cent of the salary of the recorder.

first assistant clerk - a sum equivalent to eighty per cent of the salary of the recorder.

title examiners and assistant clerks - a sum equivalent to seventy-five per cent of the salary of the recorder.

The recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

All salaries and expenses of the court shall be paid by the commonwealth, except the salaries of the assistant recorders and the expenses incurred by them under this chapter and the compensation and expenses of their technical assistants appointed under section ten A, which shall be paid by the respective counties. All fees collected by the assistant recorders, except those received upon the filing of petitions, which shall be transmitted with the petitions to the recorder, shall be paid to their respective counties.

SECTION 90. Section 43 of said chapter 185, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The compensation of a master appointed under this section and of an examiner under section twenty-four shall be awarded by the court and shall be paid by the commonwealth, except that compensation may be awarded by the court in its discretion as a

part of the taxable costs of the proceedings, in which case the compensation shall be paid as decreed by said court.

SECTION 91. Chapters one hundred and eighty-five A and one hundred and eighty-five B of the General Laws are hereby repealed.

SECTION 92. The General Laws are hereby amended by adding after chapter 185B the following chapter:-

CHAPTER 185C.
HOUSING COURT DEPARTMENT.

Section 1. The housing court department established under section one of chapter two hundred and eleven B shall be composed of a division for Hampden county and a division for the city of Boston. Wherever the words "housing court" are used, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the housing court department; and the words "judge of the housing court" or the word "judge", in context, shall mean an associate justice of the trial court appointed to a division of the housing court department.

Section 2. The divisions of the housing court department shall have superior and general jurisdiction with reference to all cases and matters within their jurisdiction; and no order, decree, judgement, sentence, warrant, writ or process made, issued or pronounced by them need set out any adjudication or circumstances with greater particularity than would be required in other departments of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings in the housing court department as would be made in favor of proceedings in other departments of superior and general jurisdiction. Writs, subpoenas, citations, orders, notices, executions and all other processes issued in the housing court department signed by the clerk, temporary clerk or an assistant clerk, and bear the teste of the first justice of the division and shall run throughout the commonwealth.

Section 3. The divisions of the housing court department shall have common law and statutory jurisdiction concurrent with the divisions of the district court department and the superior court department of all crimes and of all civil actions arising in the city of Boston in the case of that division and arising in the county of Hampden in the case of that division, under chapter forty A, sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H to one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, chapter two hundred and thirty-nine, jurisdiction under the provisions of common law and any other general or special law, ordinance, rule or regulation as is concerned with the health, safety or welfare of any occupant

of any place used, or intended for use, as a place of human habitation. The divisions of the housing court department shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

In all matters within their jurisdiction, the divisions of the housing court department shall have all the powers of the superior court department including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require. The divisions shall have like power and authority for enforcing orders, sentences and judgments made or pronounced in the exercise of any jurisdiction vested in them, and for punishing contempts of such orders, sentences and judgments and other contempts of their authority, as are vested for such or similar purposes in the supreme judicial court or superior court department.

Section 4. The division of the housing court department for Hampden county shall hold its sittings in the court house facilities of the superior court department within said county and, with the consent of the chief administrative justice, such other court house facilities within said county as the administrative justice of the housing court department may deem to be expedient or convenient.

The division of the housing court department for the city of Boston shall hold its sittings in the Suffolk county court house and, with the consent of the chief administrative justice, such other court house facilities within the city of Boston as the administrative justice of the housing court department may deem to be expedient or convenient.

Section 5. The divisions of the housing court department shall always be open and the business thereof, or of a justice thereof, may be transacted at any time; but such business shall not, except as provided in section six of chapter two hundred and twenty, be transacted on Saturday or Sunday or on a legal holiday unless it relates to an application which, in the opinion of the justice to whom it is made, is of pressing necessity; provided, that, if the convenience of the public so requires, the divisions shall be open for the transaction of business on such Saturdays, not legal holidays, and during such hours thereof, as the administrative justice may determine.

Section 6. Each division of the housing court department shall have a seal which will be in the custody of its clerk, and shall be affixed to all processes issued by a division of the housing court department requiring a seal.

Section 7. The administrative justice of the housing court department shall from time to time make general rules and forms of procedure, which, before taking effect, shall be approved by the supreme judicial court or a justice thereof.

Section 8. There shall be one justice appointed for the Hampden county division and two justices appointed for the city of Boston

division of the housing court department. The senior justice in time of service shall be the first justice of the division. The first justice shall be the administrative head of his division. If the first justice is absent and delay would injure the public interest, the justice next in seniority shall act in his place, and if no justice of the division is available, the administrative justice of the department shall act.

Section 8A. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the housing court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the housing court department.

Section 9. There shall be a clerk appointed, by the governor with the advice and consent of the council, for each division of the housing court department. Said clerks shall hold office during good behavior, subject, however, to retirement under the provisions of any general or special law relative to retirement systems. The clerk appointed for the Hampden county division shall reside in Hampden county.

Section 9A. The clerks appointed under the provisions of section nine shall receive from the commonwealth as a salary a sum equivalent to the salary of the clerk of courts of the superior court department in their respective counties. Assistant clerks appointed under the provisions of section eleven shall receive from the commonwealth as a salary, in the instance of the first assistant clerk, a sum equivalent to eighty-seven and one half per cent of the salary of the clerk and for all other assistant clerks, a sum equivalent to seventy-five per cent of the salary of the clerk.

Said clerks and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Section 10. In case of the absence, death or removal of a clerk, the administrative justice may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.

Section 11. The clerk of a division of the housing court department may, subject to the approval of the first justice, appoint one or more assistant clerks, who shall be removable at his pleasure or at the pleasure of the administrative justice. The clerk shall be responsible for all official acts of the assistant clerks and all powers conferred by statute upon the clerk, unless otherwise stated, and in any event subject to limitation by the clerk or the administrative justice, may be exercised by an assistant clerk.

Section 12. The clerk, any temporary clerk and all assistant clerks shall be sworn; and in the case of any temporary clerk and of every assistant clerk, the oath of office shall be administered by the administrative justice who shall, upon administering the same, forthwith make return of such act with the date thereof

to the state secretary.

Section 13. The clerk, any temporary clerk and every assistant clerk, before entering upon performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office shall give to the commonwealth a bond, conditioned to perform faithfully his official duties, with a surety company, authorized to transact business in the commonwealth as surety, in a sum approved by the administrative justice, but in no event less than five thousand dollars. Failure to give such bond shall be sufficient cause for his removal.

Section 14. The clerk, temporary clerk and assistant clerks or one of them for each division shall attend all sessions of the housing court department and shall keep a record of all its proceedings. The clerk of each division shall have the care and custody of all the records, books and papers appertaining to, or filed or deposited in, his office. The clerk of each division shall make and issue writs and processes, shall make returns of the housing court department tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the housing court department including fees for blanks and copies. The clerk of each division shall have such other powers and duties as the administrative justice may from time to time order.

The clerk and assistant clerks of each division of the housing court department may sign process issued by the housing court department, and housing court department records, documents or other legal papers or copies thereof made or issued by such clerk or an assistant clerk in conformity with law, except search warrants and process authorizing arrests or commitments, by imprinting thereon a facsimile of the signature of the clerk or assistant clerk; and such facsimile signatures shall have the same validity as their written signatures.

Section 15. The first justice of a division may appoint such number of court officers for his division as the administrative justice of the housing court department may from time to time determine. Any such court officer may be removed for any cause considered by the first justice of the division to be sufficient. Any vacancy caused by removal or otherwise may be filled by the first justice of the division. The court officers shall attend the sessions in the divisions of the housing court department, shall preserve order and may serve warrants, mittimus, precepts, orders and processes of a division of the housing court department. Each court officer shall give bond for the faithful performance of his duties in the sum of one thousand dollars payable to the commonwealth, with sufficient sureties approved by the administrative justice. Each court officer, while on duty in the housing court department, shall wear a uniform approved by the administrative justice which shall be furnished at the expense of the commonwealth.

Section 16. The first justice of a division may appoint such number of housing specialists as the administrative justice may from time to time determine. The first justice of a division may designate one of them as chief housing specialist for the division.

All housing specialists shall hold office at the pleasure of the first justice of the division, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair, and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as the first justice of the division shall from time to time prescribe. Every housing specialist shall be sworn by the first justice of the division, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

Section 17. No clerk, temporary clerk, assistant clerk or housing specialist shall be retained or employed as an attorney in any complaint, action or suit in any court of the commonwealth.

Section 18. At the trial of any issue of fact, the justice presiding at the trial shall provide for a proper recording system which shall record the proceedings. The cost of said recording system shall be paid by the commonwealth upon the certificate of the administrative justice. Each clerk of the housing court department may procure law books and blank books, blanks, stationery and other incidentals required by divisions of the housing court department as the administrative justice may approve.

Section 19. Proceedings shall be commenced in the housing court department as follows: a criminal case by complaint in like manner as in the district court department, a civil action in accordance with the Massachusetts Rules of Civil Procedure; provided, however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated by the administrative justice of the housing court department, subject to the approval of the supreme judicial court. Clerks of the housing court department shall charge a fee of five dollars for the entry of an action, which shall be paid by the party entering the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge five dollars; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged the commonwealth or political subdivision thereof. If the party entering the action or obtaining the restraining order or preliminary injunction is found to be destitute and unable to pay, the presiding justice may order the payment of the fee or fees prescribed by this paragraph to be waived.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if it is found that the offense charged was not willful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

Section 20. Any civil action within the jurisdiction of the housing court department which is pending in another court department may be transferred to the housing court department by any party thereto; but no civil action originally entered in the housing court department shall be transferred to any other department, except that the supreme judicial court may direct any cause pending in the housing court department to be transferred to it in whole or in part for further action or directions, and in cases of partial transfer may issue such orders or directions in regard to the part of such cause not so transferred as justice may require.

Whenever cross actions between the same parties or two or more actions, including for the purposes hereof other department proceedings, arising out of or connected with the same housing accommodation are pending, one or more in the housing court department, the district court department, the probate and family court department, or in the superior court department, the administrative justice or the presiding justice upon motion of any party to any of such actions, may order that the action or actions pending in the district court department and in the probate and family court department and in the superior court department with all the papers relating thereto, be transferred to the housing court department; and such action or actions shall thereafter proceed in the housing court department as though originally entered there.

Section 21. All cases in the housing court department, including motions and the like, whether interlocutory or final, shall be heard and determined by a justice of a division of the housing court department sitting without jury, except that in all cases where a jury trial is required by the constitution of the commonwealth or of the United States and the defendant has not waived his rights to a trial by jury, the cause shall be forthwith tried in a division of the housing court department before a jury selected in accordance with chapter two hundred and thirty-four. In the trial of any complaint or action in the housing court department, the report of any inspector serving in the housing inspection department of a city or the board of health of any city or town shall be prima facie evidence of the facts stated therein.

Section 22. Every judgment or order entered by a division of the housing court department shall bear as its date the day when actually entered by the clerk, and at the time of the entry he shall note such date upon the judgment or order and upon the docket.

Section 23. The bond of any receiver appointed by a division of the housing court department shall be payable to the commonwealth and shall otherwise be in such form as the administrative justice of the housing court department shall require. Such

bond may be enforced in the name of the commonwealth by the treasurer of the commonwealth, or by any person interested therein and authorized by the administrative justice of the housing court department, after notice to said treasurer, to take such action. The housing court department shall have exclusive original jurisdiction of actions on such bonds. Any sums recovered shall be paid over or administered as a justice of the housing court department directs.

SECTION 93. Section 6 of chapter 197 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The said arbitrators shall be awarded reasonable compensation by the probate court, which shall be paid by the commonwealth.

SECTION 94. Section 6 of chapter 201 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 2 of chapter 314 of the acts of 1956, and inserting in place thereof the following sentence:- Reasonable expense incurred in such examination shall be paid out of the estate of such person or by the commonwealth as may be determined by the court.

SECTION 95. The first paragraph of section 6A of said chapter 201, as appearing in section 4 of chapter 845 of the acts of 1974, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Reasonable expenses incurred in any examination conducted pursuant to this section shall be paid by the petitioner, the estate of such persons, or by the commonwealth as may be determined by the court.

SECTION 96. Section 16 of chapter 208 of the General Laws, as amended by section 20 of chapter 400 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- His compensation shall be fixed by the court, and shall be paid by the commonwealth, together with any expenses approved by the court, upon certificate by a justice to the state treasurer.

SECTION 97. Chapter 211 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The chief justice of the supreme judicial court shall periodically prepare a statement of all expenses and costs, including salaries, for the supreme judicial court. Said chief justice shall periodically prepare and submit to the budget director the statement required by section three of chapter twenty-nine which shall show, in detail, an estimate for the ordinary maintenance of the entire judicial system of the commonwealth, and the revenue therefrom, as provided in clause (5) of the first paragraph of said section three. Said statement shall include judicial salaries and the salaries of all officers and employees within the judicial branch of government of the commonwealth and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A.

Said chief justice may use the estimates prepared by the chief justice of the appeals court and the chief administrative justice

of the trial court for the purposes of this section, attaching whatever recommendations he may desire or deem necessary.

SECTION 98. Said chapter 211 is hereby further amended by striking out sections 3A and 3B and inserting in place thereof the following two sections:-

Section 3A. The justices of the supreme judicial court may appoint an administrative assistant who shall have such powers and perform such duties as the justices shall determine.

The salary of said administrative assistant shall be set by the justice of the supreme judicial court. Said administrative assistant shall serve at the pleasure of the justices and shall be provided with suitable quarters in the Suffolk county courthouse in the city of Boston.

Section 3B. The justices of the supreme judicial court may provide by rule or special order for the holding of conferences of the judges of the various courts and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice.

SECTION 99. Sections three C, three D, three E, and three F of said chapter two hundred and eleven are hereby repealed.

SECTION 100. The first paragraph of section 4A of said chapter 211, as most recently amended by section 46 of chapter 1114 of the acts of 1973, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) Civil actions under section five of chapter two hundred and forty-nine against the supreme judicial court or the appeals court or a judicial officer thereof.

SECTION 101. Section 22 of said chapter 211 is hereby amended by striking out the first sentence, as most recently amended by section 138 of chapter 234 of the acts of 1977, and inserting in place thereof the following sentence:- The chief justice of the court shall receive a salary of forty-eight thousand and eighty-six dollars and each associate justice, a salary of forty-six thousand six hundred and thirty-eight dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 102. Section 22 of said chapter 211 is hereby further amended by striking out the first sentence, as most recently amended by section 101 of this act, and inserting in place thereof the following sentence:- The chief justice of the court shall receive a salary of fifty-two thousand dollars and each associate justice, a salary of fifty thousand dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 103. Said chapter 211 is hereby further amended by

striking out sections 23 and 24 and inserting in place thereof the following sections:-

Section 23. The justices of the court shall be allowed annually law clerks, stenographers, other clerical assistance and any other personnel that said justices may from time to time deem necessary.

Section 24. (a) A retired chief justice or associate justice of the supreme judicial court whose name has been placed on the list of retired justices pursuant to section sixty-five E of chapter thirty-two may be designated and assigned by the chief justice of the supreme judicial court to perform, during his term of eligibility, such of the duties of the office of associate justice of the supreme judicial court as may be requested of him and which he is willing to undertake, provided that no single assignment shall be for a term longer than ninety days, and provided that full-bench duties may be assigned only to fill a temporary vacancy, including temporary disability, on the court. Such retired chief justice or associate justice may also be designated and assigned by the chief justice of the supreme judicial court to perform; during his term of eligibility, such of the duties of judge of any lower court as may be requested of him and which he is willing to undertake provided that no single assignment shall be for a term of no longer than ninety days.

(b) In performing the service requested of him a retired chief justice or associate justice shall exercise all judicial powers and authority pertaining to the office in which he acts, with respect to matters as to which he is designated to act, and the fact of such service shall be stated on the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required by any applicable statute for the court on which a retired chief justice or associate justice might serve pursuant to this chapter.

(c) A retired chief justice or associate justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by a regular incumbent of the office from which said justice retired and payment of his pension shall be deemed to have been waived, during such service as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the supreme judicial court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 104. Chapter 211A of the General Laws is hereby amended by striking out section 1, as appearing in section 1 of chapter 740 of the acts of 1972, and inserting in place thereof the following section:-

Section 1. There shall be an intermediate appellate court to be known as the appeals court. The appeals court shall consist

of a chief justice and nine associate justices.

SECTION 105. Section 2 of said chapter 211A is hereby amended by striking out the first sentence, as most recently amended by section 141 of chapter 234 of the acts of 1977, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of forty-five thousand and seventy dollars and each associate justice a salary of forty-three thousand six hundred and twenty-one dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 106. Said section 2 of said chapter 211A is hereby further amended by striking out the first sentence, as most recently amended by section 105 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of forty-seven thousand dollars and each associate justice a salary of forty-five thousand dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties.

SECTION 107. Said chapter 211A is hereby further amended by striking out section 6, as amended by chapter 784 of the acts of 1974, and inserting in place thereof the following section:-

Section 6. The clerk of the supreme judicial court for Suffolk county shall be the clerk of the appeals court and shall receive a salary of twenty-five hundred dollars in addition to the salary he receives as clerk of said supreme judicial court for Suffolk county.

Said clerk shall appoint a first assistant clerk, a second assistant clerk, a third assistant clerk, a fourth assistant clerk and a fifth assistant clerk of the appeals court. The tenure of office of any of said assistant clerks who has served in said office for a period of two years shall be unlimited until he attains age seventy and he shall hold said office during good behavior, unless incapacitated by physical or mental disability from performing his duties; provided, however, that he may be removed for just cause after due notice and hearing in the manner provided by section forty-three of chapter thirty-one. Said clerk shall fix such salaries, in the case of the first assistant clerk at an amount of eighty-five per cent of his total combined salary, and in the case of the second, third, fourth and fifth assistants at an amount of seventy-five per cent of his total combined salary. The salaries of the clerk and the assistant clerks shall be paid by the commonwealth.

SECTION 108. Said chapter 211A is hereby further amended by striking out section 7, as appearing in section 1 of chapter 740 of the acts of 1972, and inserting in place thereof the following section:-

Section 7. The chief justice shall annually prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the court, and all revenue

therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial salaries and salaries of all officers and employees within the court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the chief justice of the supreme judicial court may require.

SECTION 109. Said chapter 211A is hereby further amended by adding the following section:-

Section 16. (a) A retired chief justice or associate justice of the appeals court whose name has been placed on the list of retired justices pursuant to section sixty-five F of chapter thirty-two may be designated and assigned by the chief justice of the appeals court to perform, during his term of eligibility, such of the duties of the office of associate justice of the appeals court as may be requested of him and which he is willing to undertake, provided that no single assignment shall be for a term longer than ninety days. Such retired chief justice or associate justice may also be designated and assigned by the chief justice of the appeals court to perform, during his term of eligibility, such of the duties of judge of any lower court as may be requested of him and which he is willing to undertake provided that no single assignment shall be for a term of no longer than ninety days.

(b) In performing the services requested of him, such a retired chief justice or associate justice shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated on the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required for any court, on which he serves, by any applicable statute.

(c) A retired chief justice or associate justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by a regular incumbent of the office from which said justice retired and payment of his pension shall be deemed to have been waived, during such service, as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the appeals court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 110. The General Laws are hereby amended by inserting after chapter 211A the following chapter:-

CHAPTER 211B.

TRIAL COURT OF THE COMMONWEALTH.

Section 1. There shall be a trial court of the commonwealth

which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department, the juvenile court department and the district court department. The trial court, as an administrative unit, shall consist of no more than two hundred fifty associate justices and special justices. There shall be selected, as hereinafter provided a chief administrative justice for the trial court and an administrative justice for each of the departments of the trial court.

Section 2. There shall be forty-six justices appointed to the superior court department, three justices appointed to the housing court department, three justices appointed to the land court department, twenty-seven justices appointed to the probate and family court department, nine justices appointed to the Boston municipal court department, seven justices appointed to the juvenile court department, and one hundred fifty-five justices and special justices, as authorized, appointed to the district court department. Said appointments, in the case of the housing court department, the probate and family court department, the juvenile court department and district court department, shall be made to a particular division of the department and a justice so appointed shall be considered a justice of the department for that division.

Section 3. Any justice appointed to a department, or a division thereof, and assigned to another department, or division thereof, shall have and exercise all the powers and duties which a justice appointed to the department, or division thereof, in which said justice is sitting, has and may exercise.

Section 4. The salaries of the justices of the trial court shall be paid by the commonwealth and are hereby established as follows:-

superior court department - forty-two thousand and fifty-three dollars.

probate and family court department - thirty-seven thousand five hundred and eighty-eight dollars.

land court department - forty-two thousand and fifty-three dollars.

housing court department - forty-two thousand and fifty-three dollars.

district court department - thirty-six thousand and eighteen dollars.

Boston municipal court department - thirty-six thousand and eighteen dollars.

juvenile court department - thirty-six thousand and eighteen dollars.

The administrative justices of the several departments shall receive as a salary forty-two thousand and fifty-three dollars.

The chief administrative justice shall receive as a salary forty-four thousand and five hundred dollars.

The justices of the trial court shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The justices of the trial court shall receive from the commonwealth, in addition to the salary hereinbefore provided, the amount of expenses, including travel, incurred by them in the discharge of their duties. Such expenses must be accounted for upon an itemized statement to the administrative justices of the respective court departments. Such expenses shall be approved and certified by said administrative justices.

Each justice shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

A justice of the trial court appointed to any judicial office before the effective date of this section shall be credited with accrued vacation leave and sick leave with respect to each year of such prior judicial service at the rate and subject to the limitations set forth in the preceding paragraph of this section.

Any justice sitting in a department or a division thereof other than the one to which said justice was appointed shall in addition to the salary hereinbefore provided for said justice be paid such additional amount representing the difference of the rate by the day that a justice of the department in which said justice is sitting receives.

Special justices of the trial court shall be subject to the provisions of section six A of chapter two hundred and eighteen and such other provisions of law as are applicable to special justices in the district court department. Special justices who serve full time under the provisions of said section six A shall have all the powers, duties, rights and responsibilities held by associate justices of the trial court, except those who hold the office of administrative justice or chief administrative justice.

Section 5. The office of administrative justice of a department of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of administrative justice shall be filled by appointment, from among the justices appointed to the particular department, by the justices of the supreme judicial court. An administrative justice shall hold said office for a term of five years, but shall not be eligible to succeed himself. A justice appointed to the office of administrative justice shall retain his commission as an associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as administrative justice, and shall continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

Section 6. The office of chief administrative justice of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief administrative justice shall be filled in the following manner:-

In each of the departments of the trial court the justices

appointed thereto shall convene, in nineteen hundred and seventy-eight and every seventh year thereafter, in such manner as provided by the justices of the supreme judicial court, for the purpose of nominating a chief administrative justice of the trial court. Said justices in each department shall convene the third Wednesday of June in said years and shall, by secret ballot, select from among the several associate justices of the trial court three justices. The names of the three justices so selected by the justices of each department shall thereupon be transmitted to the justices of the supreme judicial court. The justices of said supreme judicial court shall then determine from among the justices whose names are so transmitted which shall be the chief administrative justice.

The justices of said supreme judicial court shall make such selection within thirty days from receipt of the names of the justices transmitted from the several departments. If said justices fail to make a selection within said thirty days, the justices of the several departments shall reconvene, as soon as reasonably possible thereafter, to select names of justices and submit such names to the justices of the supreme judicial court as hereinbefore provided in this section.

A chief administrative justice shall hold said office for a term of seven years, but shall not be eligible to succeed himself. A justice appointed to the office of chief administrative justice shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief administrative justice, and shall continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

Section 7. In the case of a vacancy in the office of administrative justice due to the absence of said administrative justice or due to his inability to perform his duties, including by reason of his selection as chief administrative justice, the office of administrative justice in such event shall be filled as provided in section five. The temporary administrative justice so appointed may hold said office until the incumbent shall resume his duties and subject to the justices of the supreme judicial court, but in no event longer than six months. A temporary administrative justice shall be eligible to serve a consecutive full term as administrative justice.

In the case of a vacancy in the office of chief administrative justice due to the absence of said chief administrative justice or due to his inability to perform his duties, said office shall be filled by the justices of the supreme judicial court until said chief administrative justice shall resume his duties and subject to the justices of said court or until a new chief administrative justice is qualified as hereinbefore provided, but in no event shall such office be so filled for a period in excess of six months. The justice appointed as chief administrative justice under the provisions of this section shall be eligible to serve a consecutive full term as chief administrative justice of the trial court. A chief administrative justice may be removed for cause in such manner as shall be provided by the justices of the supreme judicial court, and after a public hearing if it is so requested by

the chief administrative justice. A vote for removal shall be by a majority of the justices of the supreme judicial court.

Section 8. There shall be an advisory committee on personnel standards of which the chief administrative justice of the trial court shall be chairman, consisting of the chief administrative justice of the trial court, the administrative justices of the superior, land, housing, probate and family, Boston municipal, juvenile and district court departments, a clerk of courts, a district court clerk and a register of probate, all of whom shall be designated by said justices, and the commissioner of probation.

The committee shall advise the chief administrative justice who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate, and shall furnish copies of such standards to all divisions or places for holding sessions within the department of the trial court.

Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the office of the chief administrative justice. The chief administrative justice shall have the power to reject any such appointment within fourteen days after receipt of the certification of compliance by the appointing authority but such power to reject any such appointment shall be limited to non-compliance with the standards for appointment.

Any appointment made by a joint authority shall require a majority of such authority, as provided by section six of chapter four.

An officer or employee whose appointment is subject to the provisions of this section may be removed for cause by the appointment authority. Every removal of an officer or employee whose appointment was subject to the provisions of this section shall be reviewed by the committee, and no such removal shall be final until approved by the committee. If any such officer or employee has served three full years in a position, appointment to which is subject to the provisions of this section, he shall have the right to appear personally before the committee before said committee reaches its decision as to whether or not to affirm his removal. The committee shall also advise the chief administrative justice in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute.

The members of said committee shall be allowed their necessary expenses, including clerical expenses incurred in the performance of their duties.

Section 9. The chief administrative justice, in addition to his judicial duties and subject to the superintendence power of the supreme judicial court shall be the administrative head of the trial court of the commonwealth. The chief administrative justice shall periodically prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial

salaries and the salaries of all officers and employees within the trial court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A.

The chief administrative justice may assign a justice appointed to any department of the trial court to sit in any other department of the court, for such period or periods of time as he deems will best promote the speedy dispatch of judicial business, provided, however, that:-

(i) prior to making such assignments, said chief administrative justice shall ascertain the respective preferences of the justices of the trial court as to the department or departments, if any, including the department to which he is appointed, to which each such justice desires to be assigned and, in making such assignments to any department of said court shall, to the extent consistent with the effective administration of justice, including the maintenance of the respective specialized functions of the land, housing, probate and family, and juvenile court departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial business in each of the several departments of the trial court, assign to any department on a basis of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

(ii) a justice, if aggrieved for cause by an order of the chief administrative justice assigning him to sit in a particular location or department of the court other than that to which he was appointed may appeal the order of said chief administrative justice to the supreme judicial court, which shall forthwith hear and determine the matter;

(iii) an administrative justice shall notify the chief administrative justice of, and may report to the supreme judicial court, any order made by said chief administrative justice pursuant to this paragraph which, in the opinion of such administrative justice, impairs the orderly operation of his department.

The chief administrative justice may assign any non-judicial personnel among the various departments, divisions or places for holding court, subject, in every case and where appropriate, to the approval of the administrative justice in the case of the superior court department, the Boston municipal court department, and the land court department, the first justice of a division, the clerk of courts, in Suffolk county the clerk for criminal business or the clerk for civil business, or a register of probate out of whose department, division, place, office or registry, as the case may be, such person would be assigned, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is appointed, assigned or employed. No person holding a commission as a clerk of court, a register of probate or a recorder shall be assigned under the provisions of this paragraph outside of the department or division to which he is appointed or elected without his consent.

Said chief administrative justice may assign any personnel from the office of said chief administrative justice to any department within the trial court and shall insure that the administrative justices have adequate staff for the purpose of assisting such justices in the performance of their duties as administrative

heads of the trial court departments.

The chief administrative justice shall be authorized to visit any department or any division or any place for holding court within such a department. The chief administrative justice may from time to time call conferences of any or all of the administrative justices of the departments.

The chief administrative justice shall review all appointments and dismissals governed by standards promulgated under the authority of section eight of this chapter for non-compliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards. The chief administrative justice shall be provided with offices in Suffolk county at the expense of the commonwealth.

The chief administrative justice shall make a comprehensive written report of the operations of the trial court at the conclusion of each calendar year, and shall deliver said report together with his recommendations to the chief justice of the supreme judicial court on or before March first of the ensuing year. Such report shall be a matter of public record and shall be printed as a public document. The chief administrative justice shall make such additional reports as may from time to time be required by the justices of the supreme judicial court. The chief administrative justice shall perform such further administrative duties as may from time to time be assigned by the justices of the supreme court.

The chief administrative justice may, after consultation with the administrative justice of a department, promulgate administrative rules or directives concerning the transfer of cases entered for trial in one division to another division of the department in the same or an adjoining county. All rules promulgated by said chief administrative justice shall be subject to the approval of the justices of the supreme judicial court.

Notwithstanding the provisions of the second paragraph of this section, the chief administrative justice, in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall designate, from time to time, justices sitting in the divisions of the district court department for either of said counties as justices of the superior court department sitting in either of said counties, with power to grant injunctive relief to the same extent as a justice appointed to the superior court department.

Section 10. An administrative justice, in addition to his judicial powers and duties as a justice of the trial court, shall, subject to the superintendence power of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of his department, its clerks and other officers. Said administrative justice shall exercise his powers as administrative head subject to the approval and direction of the said chief administrative justice.

Said administrative justices shall have responsibility for the administrative management of the personnel, staff services and business of their departments, including financial administration and budget preparation, record-keeping, information systems and statistical controls, purchasing planning, construction, case flow

management, assignments of sittings of the justices of their respective departments, including justices not appointed thereto but assigned, for the time being therein by the chief administrative justice. Each administrative justice may delegate his responsibilities and powers hereunder and as otherwise provided by law to a justice or clerk of his department, for such period of time and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the department; provided, that in the exercise or delegation of his powers, he shall in all cases act in a manner consistent with the administrative authority of the chief administrative justice and the general superintendence authority of the supreme judicial court.

Whenever the term "administrative justice" appears in any general or special law, it shall mean the administrative justice described in section one for the department to which, in context, reference is made.

The administrative justice shall be provided with suitable offices. He may, subject to appropriation and with the approval of the chief administrative justice, appoint an executive secretary and also such clerks, assistants or other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties.

In the case of the refusal or failure of any justice to comply with any order of the administrative justice of his department in the performance of his duties, said administrative justice may report such person to the chief administrative justice of the trial court, with a statement of such non-compliance.

An administrative justice shall, within his department, sit and perform judicial duties at least thirty days a year.

Section 11. The chief administrative justice shall investigate all reports of noncompliance as provided by section ten of this chapter and may issue any appropriate order. In the case of the refusal or failure of any justice to comply with any order of the chief administrative justice in the performance of his duties, or pursuant to or as a result of an investigation for noncompliance with an order of an administrative justice, said chief administrative justice may report such person to the supreme judicial court with a statement of noncompliance.

Section 12. There shall be an administrator of courts for the trial court of the commonwealth appointed by the chief administrative justice, with the approval of the supreme judicial court, to serve at the pleasure of said chief administrative justice. Said court administrator shall receive a salary to be fixed by the chief administrative justice and subject to appropriation. The court administrator shall perform such duties and responsibilities as the chief administrative justice may from time to time designate. The court administrator shall be quartered in the office of the chief administrative justice.

The chief administrative justice may appoint such other personnel as are necessary for the administration of the trial court. Said personnel shall receive salaries to be fixed by the chief administra-

tive justice and subject to appropriation.

Section 13. The first justice or presiding justice of each division or court within the superior, probate and family, land, housing, juvenile, Boston municipal and district court departments of the trial court of the commonwealth, or if there is no first or presiding justice the administrative justice, shall periodically prepare and submit to the administrative justice of the department an estimate, in detail, for the ordinary maintenance of the division or place for holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial salaries and the salaries of all officers and employees within the division or place for holding court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the administrative justice may require. The clerk of courts for each county, the clerk for criminal business for Suffolk county, the clerk for civil business for Suffolk county and the registers of probate in each county shall periodically prepare and submit to the chief administrative justice an estimate, in detail, for the ordinary maintenance of the office, and all revenue therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include salaries of all officers and employees within the office and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the chief administrative justice may require.

In the case of the district, juvenile, housing, and Boston municipal court departments the first or presiding justice of a division thereof shall consult with the clerk of his division in the preparation of his budget estimate.

The administrative justice of each department shall review such estimates of the divisions or courts within his department and shall periodically submit to the chief administrative justice for review and approval an estimate of the amount required for all expenses and costs of his entire department, except as otherwise provided in this section.

Section 14. (a) A retired justice of the trial court whose name has been placed on the list of retired justices pursuant to section sixty-five G of chapter thirty-two may be assigned by the chief administrative justice of the trial court to perform, during his term of eligibility, such of the duties of a trial court justice as may be requested of him and which he is willing to undertake, provided that no such single assignment shall be for a term longer than ninety days.

(b) In performing the services requested of him, a retired justice shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated on the record of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Services under the provisions of this section shall not be counted in determining the number of offices authorized or

required by any applicable statute.

(c) A retired justice so serving shall be paid by the commonwealth an annual salary equivalent to that received by an associate justice of the trial court of the department from which said justice retired and payment of his pension shall be deemed to have been waived, during such service, as provided by section ninety B of chapter thirty-two.

Such retired justice shall be entitled to all other benefits of a regular incumbent of the trial court and shall be reimbursed for expenses incurred while performing such services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the court on which he serves.

SECTION 111. Chapter 211B of the General Laws is hereby amended by striking out section 1, as appearing in section 110 of this act, and inserting in place thereof the following section:-

Section 1. There shall be a trial court of the commonwealth which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department, the juvenile court department and the district court department. The trial court, as an administrative unit, shall consist of no more than two hundred fifty-eight associate justices and special justices. There shall be selected, as hereinafter provided, a chief administrative justice for the trial court and an administrative justice for each of the departments of the trial court.

SECTION 112. Said chapter 211B is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. There shall be fifty-six justices appointed to the superior court department, three justices appointed to the housing court department, three justices appointed to the land court department, twenty-seven justices appointed to the probate and family court department, nine justices appointed to the Boston municipal court department, seven justices appointed to the juvenile court department, and one hundred fifty-three justices and special justices, as authorized, appointed to the district court department. Said appointments, in the case of the housing court department, the probate and family court department, the juvenile court department and district court department, shall be made to a particular division of the department and a justice so appointed shall be considered a justice of the department for that division.

SECTION 113. Said chapter 211B is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive as a salary forty-two thousand and five hundred dollars.

The administrative justices for the several departments shall

receive as a salary forty-four thousand and five hundred dollars. The chief administrative justice shall receive as a salary forty-seven thousand dollars.

The justices of the trial court shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The justices of the trial court shall receive from the commonwealth, in addition to the salary hereinbefore provided, the amount of expenses, including travel incurred by them in the discharge of their duties. Such expenses must be accounted for upon an itemized statement to the administrative justices of the respective court departments. Such expenses shall be approved and certified by said administrative justices.

Each justice shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days. A justice of the trial court appointed to any judicial office before the effective date of this section shall be credited with accrued vacation leave and sick leave with respect to each year of such prior judicial service at the rate and subject to the limitations set forth in the preceding paragraph of this section.

Special justices of the trial court shall be subject to the provisions of section six A of chapter two hundred and eighteen and such other provisions of law as are applicable to special justices in the district court department. Special justices who serve full time under the provisions of said section six A shall have all the powers, duties, rights and responsibilities held by associate justices of the trial court, except those who hold the office of administrative justice or chief administrative justice.

SECTION 114. The General Laws are hereby amended by inserting after chapter 211B, inserted by section 110 of this act, the following chapter:-

CHAPTER 211C. COMMISSION ON JUDICIAL CONDUCT.

Section 1. There shall be a commission on judicial conduct consisting of nine members. Three judges shall be appointed by the justices of the supreme judicial court, none of whom shall be justices of said court and no two of whom shall be from the same department of the trial court. Three members of the bar shall be appointed by the chief administrative justice of the trial court, none of whom shall be judges. Three members shall be appointed by the governor, none of whom shall be members of the bar. The members of the commission shall serve without compensation, but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties. Commission membership shall terminate if a member ceases to be qualified for his appointment. A vacancy shall be filled by the appointing power for the remainder of the term. Members initially appointed hereunder shall serve respectively for one, two and three years from the dates of their appointments. Upon the expiration of

the term of office of a member, his successor shall be appointed in the manner aforesaid for a term of three years. A chairman shall be elected from among the members.

Section 2. Notwithstanding any other provision of law, the commission shall investigate, upon complaint of any person, including from its own membership, the action of any judge that may, by consequence of willful misconduct in office, willful or persistent failure to perform his duties, habitual intemperance or other conduct prejudicial to the administration of justice, bring the judicial office into disrepute or constitute a breach of the Canons of Judicial Ethics as promulgated by the supreme judicial court.

Any complaint of whatever nature shall be made to the commission or by the commission in writing and the executive secretary of the commission shall mail or deliver to the judge complained against a copy of said complaint and copies of any other documents which may relate to the complaint and shall inform said judge of his rights under this chapter within twenty-one days from the time said complaint has been received by the commission. The failure to provide a copy as required under this section shall constitute an automatic dismissal of the complaint and the commission shall notify the judge complained against in writing by mail or delivery with a statement concerning said complaint and its dismissal by the commission as required under this section. The commission may however dismiss any such complaint within twenty-one days of its receipt and shall notify said judge that such complaint has been dismissed. Any attorney who assists any person in the preparation of the written complaint shall advise the commission of his involvement in the preparation of said complaint and said notice shall contain a statement of his knowledge of all of the contents of said complaints.

Every complaint shall be signed by the complainant under the pains and penalties of perjury.

Every complainant shall be required to state in the complaint whether or not the matter complained about is the subject of appeal and whether an appeal will be entered. In the event the answer to that question by the complainant is in the affirmative, the commission may delay considering the complaint until termination of the appeal. A judge shall be notified by the commission that the complaint will either be considered forthwith or delayed until the termination of the appeal.

Prior to the determination to commence an investigation of a complaint, the judge shall be given thirty days notice of such complaint and shall within such time have the right to respond, in writing, to the complaint. No investigation shall be undertaken by said commission unless and until the judge has responded in writing or failed to do so and the commission by a majority vote has recommended that an investigation of a particular complaint be conducted or that special counsel to conduct said investigation be appointed by the supreme judicial court.

Except where the commission determines otherwise for good cause, the commission shall not deal with complaints arising out of acts or omissions occurring more than one year prior to the date of the complaint, provided that, when the last episode of an

alleged pattern of recurring judicial conduct arises within the one year period, the committee may consider all prior acts or omissions related to such an alleged pattern of conduct.

The commission shall adopt rules and shall submit said rules to the supreme judicial court for its approval and the provisions of chapter thirty A shall not apply to said rules. Any amendment to said rules shall likewise be submitted to the supreme judicial court for approval and neither the rules originally adopted nor any amendment thereto shall take effect until so approved.

Subject to the rules of said commission, the commission shall have the power to subpoena witnesses and documents, to order depositions be taken, to administer oaths and affirmations, to compel testimony and shall have such additional powers as are necessary and proper to obtain information and to conduct hearings. All commission proceedings shall be confidential and all employees shall be bound by such confidentiality at all times and the commission rules shall provide for the confidentiality of all of its proceedings.

With respect to those complaints where the commission finds sufficient cause exists and that a hearing is warranted, the complainant shall be heard and the judge shall be heard and permitted to present evidence, subpoena and cross-examine witnesses. Upon completion of any investigation, the commission shall recommend an appropriate disposition of the matter under investigation with a statement of its reasons and shall forward its final recommendation with a statement of its reasons to the complainant and to the supreme judicial court in each case for its consideration and further action, if any.

Section 3. The commission shall appoint an executive secretary who shall serve at the pleasure of the commission. The executive secretary shall receive an annual salary of twenty-five thousand dollars and such expenses as are approved by the commission and which are incurred by him in the discharge of his duties. Such executive secretary shall devote his entire time during ordinary business hours to his duties and shall not directly or indirectly engage in the practice of law.

The commission shall be provided with adequate offices and may appoint such other assistants, investigators and clerical assistants which are determined necessary to carry out the provisions of this chapter, subject to appropriation. The commission shall be allowed for such purposes annually such amount as shall be appropriated by the general court, to be paid by the commonwealth upon the certification of the chairman.

Section 4. The commission shall submit annually to the general court and the supreme judicial court a report of its activities together with recommendations. This report shall be a matter of public record and shall be printed as a public document.

SECTION 115. Chapter 212 of the General Laws is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. The superior court department of the trial court of the commonwealth as established by section one of chapter two hundred and eleven B shall consist of forty-six justices appointed

to the department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of chief administrative justice of the trial court, be the administrative head of the superior court department.

Wherever the words "superior court", or wherever in this chapter the word "court" is used in that context, they shall refer to the superior court department of the trial court, and the words "justice of the superior court", or the word "justice", in context, shall mean an associate justice of the trial court appointed to the superior court department.

Section 2. The court shall be held by one of the justices, and when so held shall have and exercise all the power and jurisdiction committed to said court. The administrative justice shall make such assignments for the attendance of a justice at the several times and places appointed for holding the court as will be most convenient and as will insure the prompt performance of its duties.

SECTION 116. Said section 1 of said chapter 212, as most recently amended by section 115 of this act, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The superior court department of the trial court of the commonwealth, established by section one of chapter two hundred and eleven B, shall consist of fifty-six justices appointed to the department. The justice as provided under section one of chapter two hundred and eleven B as the administrative justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of chief administrative justice of the trial court, be the administrative head of the superior court department.

SECTION 117. Section 6 of said chapter 212, as amended by section 24 of chapter 319 of the acts of 1953, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The court shall have original jurisdiction of all crimes.

SECTION 118. Said chapter 212 is hereby further amended by striking out section 14A, as amended by section 54 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 14A. Subject to section fourteen of chapter two hundred and fourteen, the administrative justice of the superior court department shall establish from time to time a regular sitting or regular sittings of said court at each of the places named in section fourteen of this chapter, may establish special sittings and separate sessions of regular or special sittings at any of said places, may establish sittings for naturalization at any city or town, and may designate the class or classes of business for which any sitting or session is established. Regular sittings

heretofore established by said administrative justice shall, unless changed, be held at the same times and places from year to year, but may be changed at any time by him subject to the provisions of section fourteen. An order establishing or changing the time or place of a sitting in any county shall be entered on the records of the court in such county, and public notice shall be given by posting a copy of such order in the office of the clerk in such county within fifteen days after the date thereof, or otherwise as said administrative justice may direct.

In addition to the powers conferred upon said administrative justice under section ten of chapter two hundred and eleven B and for the purpose of the efficient administration of the business of the department, he may designate, from time to time, from among the justices thereof, a presiding justice for any county or for any group of counties. Such presiding justices shall serve at the pleasure of said administrative justice.

SECTION 119. Sections fourteen B to fourteen F, inclusive, of said chapter two hundred and twelve are hereby repealed.

SECTION 120. Said chapter 212 of the General Laws is hereby further amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 19. The clerks of the courts, and in Suffolk county of the superior court department, may maintain regularly established offices in such cities and towns as may be designated by the administrative justice of the superior court department.

SECTION 121. Said chapter 212 is hereby further amended by striking out section 20A and inserting in place thereof the following section:-

Section 20A. The superior court may in counties where more than one session is held simultaneously for civil or criminal business or for civil and criminal business require that jurors be held in a central pool and assigned to the several sessions in such manner as the court shall order. It may in its discretion order that writs of venire facias for jurors issue for the total number of jurors required for all sessions at any sitting without specifying therein that they are required for civil or criminal business. Jurors so drawn shall be subject to be used interchangeably for civil or criminal business.

The administrative justice of the superior court department may designate not more than three officers appointed under section seventy of chapter two hundred and twenty-one to attend the central pool of jurors in the county for which they are appointed. The officers so designated shall perform their duties under the direction of the court, and receive such compensation to be paid by the commonwealth as the chief administrative justice shall establish.

SECTION 122. Section 21 of chapter 212 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The administrative justice may, by written order to the sheriff, order a special jury for a sitting for criminal

business to be held in any county at such time and place as may be appointed in such order.

SECTION 123. Section 22 of said chapter 212, as most recently amended by section 3 of chapter 244 of the acts of 1943, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following sentence:- Every Monday shall be a return day in the superior court department for the entry of suits upon recognizances and bonds in criminal cases held in the district court department.

SECTION 124. Said chapter 212 is hereby amended by striking out section 23, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 23. The administrative justice may, by written order to the sheriff, cause the grand jury in any county to be assembled at a time and place appointed therein.

SECTION 125. Sections twenty-seven and twenty-eight of said chapter two hundred and twelve are hereby repealed.

SECTION 126. Section 3 of chapter 213 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

The rules of the superior court, promulgated under the authority of this section, shall be subject to the approval of the supreme judicial court.

SECTION 127. Chapter 213 of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The courts shall, respectively, receive, examine and allow accounts for services and expenses incident to their sittings and order payment thereof out of the state treasury.

SECTION 128. Chapter 215 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. The probate and family court department established under section one of chapter two hundred and eleven B shall consist of divisions, one for each county, and wherever the words "probate court", "court of insolvency" or "probate and insolvency court" are used, or similar words importing the same, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the probate and family court department; and the words "judge of probate", "judge of probate and insolvency" or the word "judge", in context, shall mean an associate justice of the trial court appointed to a division of the probate and family court department; and the words "register of probate", "register of probate and insolvency" or the word "register", in context, shall mean the register of a division of the probate and family court department; and the words "registry of probate", "registry of probate and insolvency" or the word "registry", in context, shall mean the registry of said division.

Probate courts shall be courts of record, and the judge and the register of probate for each county shall be, respectively, the judge and the register of the division within the probate and family court department for that county.

SECTION 129. Said chapter 215 is hereby further amended by striking out section 18, as amended by section 1 of chapter 631 of the acts of 1964, and inserting in place thereof the following section:-

Section 18. At the trial of any issue of fact in a probate court the presiding judge may appoint a stenographer, who shall be sworn and shall attend the trial, or such part thereof as the judge may direct, and perform like duties and receive the same compensation therefor as a stenographer appointed by the superior court who is not on salary; and the sums so payable for his attendance at court and for any transcript of his notes or part thereof furnished to the judge by his direction shall be paid by the commonwealth upon the certificate of the judge. The judges of probate of any county may appoint a stenographer for the probate court of such county. The compensation and expenses of such stenographer shall be paid by the commonwealth.

SECTION 130. Section thirty A of said chapter two hundred and fifteen is hereby repealed.

SECTION 131. Said chapter 215 is hereby further amended by striking out section 53, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 53. The commonwealth shall provide and maintain suitable rooms for the use of the probate courts, ample fireproof rooms and suitable alcoves, cases and boxes for the safe keeping of all records, files, papers and documents belonging to the several registries of probate, and shall also provide all books necessary for keeping the records, and all printed blanks and stationery used in probate proceedings.

SECTION 132. Chapter 215 is hereby amended by striking out sections 54 to 56, inclusive, and inserting in place thereof the following three sections:-

Section 54. If in the opinion of the chief administrative justice of the trial court such fireproof rooms are insufficient, he shall certify the need of additional accommodations to the general court.

Section 55. If in the judgment of the administrative justice public convenience so requires, he may, at the expense of the commonwealth, cause the files and records of the probate and family court department, within the respective divisions, to be rearranged, indexed and docketed, worn or defaced dockets renewed and the indexes consolidated, under the direction and supervision of the registers of the respective divisions.

Section 56. The expense of recording probate proceedings in Suffolk county, not exceeding forty-five hundred dollars in any one year, shall be paid by the commonwealth, upon the official certificate of the register, countersigned by a justice appointed

to the division for said county, in the amounts and to the persons named in such certificate.

SECTION 133. Section 56A of said chapter 215, as amended by section 72 of chapter 400 of the acts of 1975, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The compensation shall be fixed by the court and shall be paid by the commonwealth, together with any expense approved by the court, upon certificate by the judge to the state treasurer.

SECTION 134. Section 56B of said chapter 215, as amended by section 73 of said chapter 400, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The compensation shall be fixed by the court and shall be paid by the commonwealth, together with any expense approved by the court, upon certificate by the judge to the state treasurer.

SECTION 135. Section 62 of said chapter 215 is hereby amended by striking out the introductory paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

Sessions of the divisions of the probate and family court department shall be held at the following times and in the following towns, at such places therein as the administrative justice for said department shall designate:.

SECTION 136. Chapter 215 of the General Laws is hereby amended by striking out section 63, as so appearing, and inserting in place thereof the following section:-

Section 63. The administrative justice for the probate and family court department, as often as changes are made in the places designated for holding sessions of the divisions of said department, shall give sufficient notice thereof, either by advertisement in some newspaper of general circulation or by posting the same in public places.

SECTION 137. Chapter two hundred and sixteen of the General Laws is hereby repealed.

SECTION 138. Chapter 217 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 738 of the acts of 1949, and inserting in place thereof the following section:-

Section 1. For each county there shall be a division of the probate and family court department of the trial court, and in each division, except those for Suffolk, Middlesex, Essex, Worcester, Plymouth, Hampden, Bristol and Norfolk counties, one appointment of an associate justice of the trial court shall be made, and he shall be the justice for that division. Wherever the words "probate court", "court of insolvency" or "probate and insolvency court" are used, or similar words importing the same, or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the probate and family court department of the trial court; and the words "judge of probate", "judge of probate and insolvency" or the word

"judge", in context, shall mean an associate justice of the trial court appointed to a division of said probate and family court department; and the words "register of probate", "register of probate and insolvency" or the word "register", in context, shall mean the register of a division of the probate and family court department; and the words "registry of probate", "registry of probate and insolvency" or the word "registry", in context, shall mean the registry of said division.

SECTION 139. Section two A of said chapter two hundred and seventeen is hereby repealed.

SECTION 140. Section three of said chapter two hundred and seventeen is hereby repealed.

SECTION 141. Section three A of said chapter two hundred and seventeen is hereby repealed.

SECTION 142. Said chapter 217 is hereby further amended by inserting after section 3A the following section:-

Section 3B. There shall be an associate justice of the trial court appointed in the division for the county of Hampshire, hereinbefore known as the special judge of probate and insolvency in the county of Hampshire, who shall be and perform the duties of a full-time circuit justice in said county or such other county as the administrative justice may designate, and when so assigned shall receive from the commonwealth the expenses incurred by him. Upon such designation, the register of the division to which said circuit justice is assigned shall certify upon the records of the court, and to the comptroller, the number of days, the dates upon which, and the occasions for which, the circuit justice performed his duties. Nothing in this section shall be construed to establish a new judicial position nor abolish the tenure of the incumbent special judge of probate and insolvency.

SECTION 143. Section six of said chapter two hundred and seventeen is hereby repealed.

SECTION 144. Said chapter 217 is hereby further amended by inserting after section 6 the following section:-

Section 6A. No justice, circuit justice or special justice sitting in a division of the probate and family court department shall be interested in, or be benefitted by, the fees or emoluments which may arise in any matter pending before any probate court or which may arise in any suit or action pending in any court of this commonwealth where the subject matter or cause of action is founded upon or derived from proceedings begun in any of the probate courts nor shall he, except as otherwise provided, be appointed or act as executor, administrator, guardian, conservator, trustee under a will, commissioner, appraiser or assignee of or upon an estate within the jurisdiction of any probate court; nor shall he be interested in the fees or emoluments arising from any of said trusts. Full-time justices, or circuit justices provided for under this chapter shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. The judge of probate for Dukes county and the judge of probate for Nantucket

county shall sit in the division of the probate and family court department for any other county upon designation thereto by the administrative justice for said department pursuant to section eight, and when so assigned shall receive from the commonwealth the expenses incurred by them.

SECTION 145. Said chapter 217 is hereby amended by striking out sections 8 and 8A and inserting in place thereof the following two sections:-

Section 8. The justice provided for under the provisions of section one of chapter two hundred and eleven B as the administrative justice for the probate and family court department, in addition to his judicial powers and duties, shall, subject to the superintendence of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the probate and family court department. The administrative justice may establish forms for the annual reports of the work of the registers of the several divisions; and said registers shall annually on or before October first prepare and file with the administrative justice reports of the work of said divisions during the preceding court year, and said reports shall also be filed with the chief administrative justice. He shall also have the powers and duties described in section ten of chapter two hundred and eleven B, in section thirty A of chapter two hundred and fifteen and section forty-two of this chapter; except that none of the powers herein described or referred to shall be construed as authorizing said administrative justice to alter or affect the provisions of sections fifty-eight, fifty-nine, sixty or sixty-two of chapter two hundred and fifteen.

Section 8A. The administrative justice shall be provided with suitable offices. He may, subject to appropriation, appoint an executive secretary and such clerks, assistants or other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties. He may remove said executive secretary at his pleasure and define his duties.

SECTION 146. Section 15 of said chapter 217, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- He may, with the approval of the administrative justice and at the expense of the commonwealth cause copies of the indexes, or new indexes, to the records which are in his custody, to be printed and sold at a price not less than the cost of paper, printing and binding.

SECTION 147. Said chapter 217 is hereby amended by striking out section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. The judges of the probate and family court department for each county may appoint for a term of three years from the date of their appointment, and may remove, a first assistant register of probate. Before entering upon the performance of his duties, a first assistant register shall take the oath prescribed

by the constitution, and shall give bond to the state treasurer for the faithful performance of his official duties in a sum not less than five hundred nor more than five thousand dollars, as ordered by the judge, with one or more sureties approved by him.

SECTION 148. Said chapter 217 is hereby further amended by inserting after section 23 the following section:-

Section 23A. In addition to the first assistant registers of probate provided for in section twenty-three, the judges of the respective divisions of the probate and family court department for the following counties may appoint assistant registers with the same powers and duties. Said appointments shall be as follows:

Barnstable, one assistant register
Berkshire, one assistant register
Bristol, three assistant registers
Essex, three assistant registers
Hampden, three assistant registers
Middlesex, five assistant registers
Norfolk, five assistant registers
Plymouth, three assistant registers
Suffolk, five assistant registers
Worcester, four assistant registers.

SECTION 149. Sections twenty-four, twenty-four A, twenty-four B, twenty-five and twenty-five A of chapter two hundred and seventeen of the General Laws are hereby repealed.

SECTION 150. Said chapter 217 is hereby further amended by striking out section 27A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 27A. The judges of probate for Suffolk county may appoint and at their pleasure remove a permanent officer to perform the duties prescribed by section fifty-six A of chapter two hundred and fifteen and such other duties as said judges may determine. Such officer shall be allowed such sums for necessary traveling and other expenses as may be approved by the judges. The salary and expenses of such officer shall be paid by the commonwealth.

SECTION 151. Said chapter 217 is hereby further amended by striking out section 28, as amended by chapter 678 of the acts of 1977, and inserting in place thereof the following section:-

Section 28. The register for Suffolk county may, subject to the approval of the judges of probate for said county, appoint a clerk and may remove him at pleasure. Said register may, subject to like approval, designate four employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at pleasure. Said deputy assistant registers shall receive a salary of five thousand dollars.

SECTION 152. Section 29 of said chapter 217, as amended by chapter 539 of the acts of 1958, is hereby further amended by adding the following sentence:- Said deputy assistant registers shall receive a salary of five thousand dollars.

SECTION 153. Section 29A of said chapter 217, inserted by chapter 597 of the acts of 1974, is hereby amended by adding the following sentence:- Said deputy assistant register shall receive a salary of one thousand dollars.

SECTION 154. Section 29B of said chapter 217, as so inserted, is hereby amended by adding the following sentence:- Said deputy assistant register shall receive a salary of one thousand dollars.

SECTION 155. Said chapter 217 is hereby further amended by striking out section 30, as most recently amended by chapter 642 of the acts of 1972, and inserting in place thereof the following section:-

Section 30. The judges of probate for the counties of Suffolk, Middlesex, Plymouth and Norfolk may appoint three officers, and the judges of probate for the counties of Essex and Worcester may appoint two officers to attend the sessions of the court for their respective counties. Such officers may be removed at the pleasure of the judge or judges of probate of their respective counties, and said judge or judges may fill any vacancy caused by removal or otherwise. Each court officer appointed hereunder for Suffolk, Middlesex, Worcester, Essex, Norfolk or Plymouth county shall give bond with sufficient sureties approved by a judge of his court for the faithful performance of his duties, in the sum of one thousand dollars, payable to the state treasurer. Each officer appointed hereunder shall serve the orders, precepts and processes issued by the probate court for which he is appointed or by a judge thereof; and shall at the expense of the commonwealth be furnished with a uniform such as the court shall order, which he shall wear while in attendance on said court.

SECTION 156. Said chapter 217 is hereby further amended by striking out section 31, as amended by section 2 of chapter 793 of the acts of 1951, and by inserting in place thereof the following section:-

Section 31. The justices of the respective divisions of the probate and family court department may appoint the following number of messengers for their respective divisions:

Middlesex, three messengers
Essex, one messenger
Suffolk, one messenger
Hampden, five messengers
Norfolk, three messengers
Bristol, two messengers

Said justices may remove said messengers at their pleasure, and may fill vacancies caused by removal or otherwise. Said messengers shall wait upon the court and perform such duties as the judges may direct, including duty as court officers. They shall, while in attendance on the court, wear uniforms, such as the administrative justice shall order, to be furnished at the expense of the commonwealth.

SECTION 157. Sections thirty-one A, thirty-two, thirty-two A, thirty-two B, thirty-two C and thirty-four of said chapter two

hundred and seventeen are hereby repealed.

SECTION 158. Said chapter 217 is hereby further amended by inserting after said section 34 the following section:-

Section 34A. Notwithstanding the provisions of section 4 of chapter 211B, the judge for the division of the probate and family court department for Dukes county shall be paid by the commonwealth a salary of thirteen thousand four hundred and twenty-three dollars.

SECTION 159. Said section 34A of said chapter 217, as inserted by section 158 of this act, is hereby repealed.

SECTION 159A. Said chapter 217 of the General Laws is hereby amended by striking out section 35A, as most recently amended by section 156 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 35A. The salaries of the registers in the probate and family court department shall be paid by the commonwealth, and shall be as follows:

Middlesex - Twenty-eight thousand three hundred and twenty-six dollars.

Suffolk - Twenty-eight thousand three hundred and twenty-six dollars.

Essex - Twenty-eight thousand three hundred and twenty-six dollars.

Worcester - Twenty-eight thousand three hundred and twenty-six dollars.

Norfolk - Twenty-eight thousand three hundred and twenty-six dollars.

Hampden - Twenty-eight thousand three hundred and twenty-six dollars.

Bristol - Twenty-eight thousand three hundred and twenty-six dollars.

Plymouth - Twenty-eight thousand three hundred and twenty-six dollars.

Berkshire - Twenty-eight thousand and three hundred and twenty-six dollars.

Barnstable - Twenty-eight thousand three hundred and twenty-six dollars.

Franklin - Twenty-eight thousand three hundred and twenty-six dollars.

Hampshire - Twenty-eight thousand three hundred and twenty-six dollars.

Dukes - Fifteen thousand dollars.

Nantucket - Fifteen thousand dollars.

The registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 160. Said chapter 217 is hereby further amended by striking out section 35A, as most recently amended by section 159* of this act, and inserting in place thereof the following section:-

Section 35A. The salaries of the registers of the probate and family court department shall be paid by the commonwealth, and

shall be as follows:

Middlesex - Thirty-two thousand dollars.
 Suffolk - Thirty-two thousand dollars.
 Essex - Thirty-two thousand dollars.
 Worcester - Thirty-two thousand dollars.
 Norfolk - Thirty-two thousand dollars.
 Hampden - Thirty-two thousand dollars.
 Bristol - Thirty-two thousand dollars.
 Plymouth - Thirty-two thousand dollars.
 Berkshire - Thirty-two thousand dollars.
 Barnstable - Thirty-two thousand dollars.
 Franklin - Thirty-two thousand dollars.
 Hampshire - Thirty-two thousand dollars.
 Dukes - Fifteen thousand seven hundred and fifty dollars.
 Nantucket - Fifteen thousand seven hundred and fifty dollars.

The registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 161. Said chapter 217 is hereby further amended by striking out section 35B, as most recently amended by section 159 of chapter 234 of the acts of 1977, and inserting in place thereof the following section:-

Section 35B. The salary of a first assistant register of probate shall be eighty per cent of the salary of the register in his county.

The salary of a second assistant register of probate shall be seventy-five per cent of the salary of the register in his county.

The salary of a third assistant register of probate shall be seventy-two per cent of the salary of the register in his county.

The salary of a fourth assistant register shall be seventy per cent of the salary of the register in his county.

The salary of a fifth or sixth assistant register of probate shall be sixty-five per cent of the salary of the register in his county.

The assistant registers of probate shall devote their entire time during business hours to their respective duties and shall not directly or indirectly engage in the practice of law.

SECTION 162. Said chapter 217 is hereby further amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 39. The compensation of court officers for attendance at sessions of the probate courts and of messengers for said courts, whose appointment is authorized by law, shall be paid by the commonwealth.

SECTION 163. Section forty of said chapter two hundred and seventeen is hereby repealed.

SECTION 164. Said chapter 217 is hereby further amended by striking out section 42, as most recently amended by section 6 of chapter 819 of the acts of 1963, and inserting in place thereof the following section:-

Section 42. Judges, registers and assistant registers shall

receive from the commonwealth their actual and proper traveling expenses incurred by them in the performance of their official duties in holding and attending court at a place other than that where the registry of probate is situated and any expenses actually incurred in transporting official papers from the registry of probate to another probate office within the same county for court purposes, upon an itemized statement of such expenses being certified to, and approved by, the administrative justice, provided, however, that a justice appointed to the probate and family court in Dukes county or Nantucket county shall receive his actual expenses for travel by land, sea or air from his residence on the mainland to such county and from such county to his residence on the mainland. The traveling expenses necessarily incurred by judges of probate sitting at the direction of the administrative justice in counties other than counties in which they are appointed shall be paid by the commonwealth, upon the certificate of said administrative justice.

SECTION 165. Section 1 of chapter 218 of the General Laws is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following two paragraphs:-

The district court department, established under section one of chapter two hundred and eleven B, shall consist of divisions, one for each of the judicial districts hereinafter enumerated, and whenever the words "district court", "municipal court" or "court" are used in this chapter, unless the context refers exclusively to the municipal court of the city of Boston or a juvenile court, or some other clearly contrary intent, such words shall refer to a division of the district court department. Unless the context refers only to a person appointed to the municipal court of the city of Boston or to a juvenile court, the words "justice" and "special justice" shall mean, respectively, an associate justice and a special justice of the trial court appointed to a division of the district court department; and the words "clerk" or "clerk of court" shall mean the clerk of such division; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of such division.

The judicial districts of the Boston municipal court department and of the several divisions of the district court department shall continue to comprise the following cities, towns, wards and territory, in the following counties, respectively.

SECTION 166. Said section 1 of said chapter 218 is hereby further amended by striking out the six paragraphs under the caption "Berkshire" and inserting in place thereof the following three paragraphs:-

The district court of northern Berkshire, held at Adams, North Adams and Williamstown; Adams, North Adams, Williamstown, Clarksburg, Florida, New Ashford, Cheshire, Savoy, Hancock, and Windsor; the district court of central Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of central Berkshire, held at Pittsfield; Pittsfield, Hancock, Lanesborough, Peru, Hinsdale, Dalton, Washington, Richmond, Lenox, Becket and Windsor; the district

court of southern Berkshire exercising concurrent jurisdiction in Lenox and Becket and the district court of northern Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of southern Berkshire, held at Great Barrington and Lee; Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, New Marlborough, Stockbridge, West Stockbridge, Sandisfield, Lee, Tyringham, Otis, Lenox, Becket; the district court of central Berkshire exercising concurrent jurisdiction in Lenox and Becket.

SECTION 167. Said section 1 of said chapter 218 is hereby further amended by striking out the seventh, eighth and ninth paragraphs under the caption Suffolk and inserting in place thereof the following paragraphs:-

The municipal court of the Roxbury district, held at Roxbury in Boston; wards nineteen, twenty, twenty-one and twenty-two of Boston as they existed on February first, eighteen hundred and eighty-two, excepting ward ten, save as hereinafter provided, as it existed on February first, nineteen hundred and seventy-six; and excepting further, cases of juvenile offenders under seventeen and cases of delinquent children when such cases arise in wards four, five, and precincts one and two of ward twenty-one of Boston as they existed on February first, nineteen hundred and seventy-six; provided however that, notwithstanding any other provision of law, said court shall have jurisdiction over matters arising in precincts one, six and seven of ward ten.

The municipal court of the South Boston district, held at South Boston in Boston; wards thirteen, fourteen and fifteen of Boston as they existed on February first, eighteen hundred and eighty-two.

The municipal court of the West Roxbury district, held at West Roxbury in Boston; ward twenty-three of Boston as it existed on February first, eighteen hundred and eighty-two, the territory comprised within the limits of the former town of Hyde Park which was annexed to Boston by chapters four hundred and sixty-nine and five hundred and eighty-three of the acts of nineteen hundred and eleven, and ward ten, except precincts one, six and seven of said ward ten, as existing on February first, nineteen hundred and seventy-six; and excepting further, cases of juvenile offenders under seventeen and cases of delinquent children when such cases arise in said ward ten.

SECTION 168. Said section 1 of said chapter 218 is hereby further amended by inserting after the ninth paragraph under the caption Suffolk the following paragraph:-

The Boston division of the juvenile court department shall have territorial jurisdiction provided in section fifty-seven, and with respect to children in Suffolk county, shall have exclusive jurisdiction of petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen.

SECTION 169. Said section 1 of said chapter 218 is hereby further amended by striking out the first paragraph under the caption "Worcester", as most recently amended by section 1 of chapter 713 of the acts of 1970, and inserting in place thereof the following paragraph:-

The central district court of Worcester, held at Worcester; Worcester, Auburn, Millbury, Paxton, West Boylston, Holden, Rutland, Barre, Princeton and Oakham; excepting cases of juvenile offenders under seventeen and cases of neglected, wayward or delinquent children.

SECTION 170. Said section 1 of said chapter 218 is hereby further amended by striking out the eighth paragraph under the caption "Worcester", as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:-

The district court of western Worcester, held at North Brookfield; East Brookfield, Brookfield, Spencer, North Brookfield, West Brookfield, Warren, Hardwick, Leicester, and New Braintree. Said court may adjourn to any town within its district other than North Brookfield whenever the public convenience seems to the presiding justice to render such adjournment expedient.

SECTION 171. Said section 1 of said chapter 218 is hereby further amended by striking out the twelve paragraphs under the caption "Middlesex" and inserting in place thereof the following twelve paragraphs:-

The district court of central Middlesex, held at Concord; Concord, Acton, Bedford, Carlisle, Lincoln, Maynard, Stow and Lexington.

The first district court of northern Middlesex, held at Ayer; Ayer, Dunstable, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough.

The first district court of eastern Middlesex, held at Malden; Malden, Wakefield, Melrose, and Everett.

The second district court of eastern Middlesex, held at Waltham; Waltham, Watertown and Weston.

The third district court of eastern Middlesex, held at Cambridge; Cambridge, Arlington and Belmont.

The fourth district court of eastern Middlesex, held at Woburn; Woburn, Winchester, Burlington, Wilmington, Stoneham, Reading and North Reading.

The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, Wayland and Hopkinton.

The district court of Lowell, held at Lowell; Lowell, Tewksbury, Billerica, Dracut, Chelmsford and Tyngsborough.

The district court of Marlborough, held at Marlborough; Marlborough, and Hudson.

The district court of Natick, held at Natick; Natick and Sherborn.

The district court of Newton, held at Newton; Newton.

The district court of Somerville, held at Somerville; Somerville and Medford.

SECTION 172. Said chapter 218 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. In each division of the district court department, as provided in section one, one appointment of associate justice of the trial court shall be made; except that the divisions corresponding to the district court of Brockton, the first district court of Barnstable, the second district court of Bristol, the third

district court of Bristol, the district court of Springfield, the municipal court of the Dorchester district, the first district court of eastern Middlesex and the first district court of southern Middlesex, so-called, shall have two justices each; and the divisions corresponding to the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester, so-called, shall have three justices each.

The said division corresponding to the municipal court of the Roxbury district, so-called, shall have, in addition to the number of justices authorized in the first paragraph for said division, one associate justice who shall be appointed as justice for the juvenile sessions of said division.

The senior justice in length of full-time service in the division to which he is appointed, whether as justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection for non-compliance by the chief administrative justice as provided in section eight of chapter two hundred and eleven B.

A special justice in the district court department or the juvenile court department who does not serve full-time in accordance with the provisions of section six A, section fifty-eight B or fifty-eight C shall be paid by the commonwealth for each day's services at the rate by the day of the salary of a justice of the court where he is assigned.

If a justice is absent on Saturday or absent due to an assignment in another division or department within the trial court, no such deduction shall be made therefor from vacation time or sick leave accumulated. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

Subject to the provisions of section forty, the special justices in the district court department shall sit in their own divisions and in addition perform such other duties as special justices in such other divisions on such occasions as ordered by the administrative justice for the district court department; and in such other departments of the trial court as authorized by law.

SECTION 173. Said chapter 218 is hereby amended by striking out section 6, as amended by section 172 of this act, and inserting in place thereof the following section:-

Section 6. In each division of the district court department, as provided in section one, one appointment of associate justice of the trial court shall be made; except that the divisions corres-

ponding to the district court of Brockton, the first district court of Barnstable, the second district court of Bristol, the third district court of Bristol, the district court of Springfield, the municipal court of the Dorchester district, the first district court of eastern Middlesex and the first district court of southern Middlesex, so-called, shall have two justices each; and the divisions corresponding to the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester, so-called, shall have three justices each.

The said division corresponding to the municipal court of the Roxbury district, so-called, shall have, in addition to the number of justices authorized in the first paragraph for said division, one associate justice who shall be appointed as justice for the juvenile sessions of said division.

Except as provided by section two of chapter one thousand and ninety of the acts of nineteen hundred and seventy-one, of section two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-three, of section two of chapter nine hundred and fifty-nine of the acts of nineteen hundred and seventy-three, and of section two of chapter five hundred and twenty-two of the acts of nineteen hundred and seventy-six, there shall be appointed in each division an additional number of justices equivalent to the number of justices provided for said division in the first paragraph, which additional number shall correspond to the number of special justices authorized on January thirty-first, nineteen hundred and seventy-six for a district court having substantially the same territorial jurisdiction as said division; provided that in no event shall the total number of justices and special justices in the district court department hereby exceed one hundred and fifty-three; and provided further that such appointments made under this paragraph shall be made to those divisions where vacancies first occur in the office of special justice after February first, nineteen hundred and seventy-six, and thereafter where vacancies occur in positions authorized under this paragraph, and in the order of their occurrence.

The senior justice in length of full-time service in the division to which he is appointed, whether as justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection for non-compliance by the chief administrative justice as provided in section eight of chapter two hundred and eleven B.

A special justice in the district court department or the juvenile court department who does not serve full-time in accordance with the provisions of section six A, section fifty-eight B or fifty-eight C shall be paid by the commonwealth for each day's services at the rate by the day of the salary of a justice of the court where he is assigned.

If a justice is absent on Saturday or absent due to an assign-

ment in another division or department within the trial court, no such deduction shall be made therefor from vacation time or sick leave accumulated. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

Subject to the provisions of section forty, the special justices in the district court department shall sit in their own divisions and in addition perform such other duties as special justices in such other divisions on such occasions as ordered by the administrative justice for the district court department; and in such other departments of the trial court as authorized by law.

SECTION 174. Said chapter 218 is hereby further amended by striking out section 6A, inserted by section 6 of chapter 862 of the acts of 1975, and inserting in place thereof the following section:-

Section 6A. (a) Any special justice of a district court holding office on January first, nineteen hundred and seventy-six may, in accordance with the provisions of paragraph (c), certify in writing to the administrative justice for the district courts that upon said certificate becoming effective said special justice shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law. Said certificate shall become effective at such time as the administrative justice for the district courts may direct, but in no case later than July first, nineteen hundred and seventy-nine, provided that no special justice shall become full-time before another who has filed a certificate before him; and provided further that a certificate may not be withdrawn after it has been filed.

(b) Upon said certificate becoming effective, said special justice shall be subject to the following provisions: (1) he shall devote full-time during ordinary business hours to the duties of his office, and shall not engage directly or indirectly in the practice of law; (2) he shall be paid the salary provided for justices of the trial court who are required to devote full-time to their duties, said salary to be paid from the same sources and in the same manner as the salary of the other justices of the district courts, and travel and expense allowances to the same extent as is provided for justices of district courts; (3) he shall sit by assignments of the administrative justice for the district courts in the district court to which he was appointed, in district courts in the county in which the district court to which he was appointed is located or in which he resides or in a county adjacent to either of them, and, in instances where exigent circumstances require, in district courts in other counties, and he shall perform such other duties as are assigned him by said administrative justice. He shall be assigned to sit as proximate as reasonably practicable to the district court to which he was appointed, consistent with the public interest in the effective administration of justice; and he shall sit in such other courts and in such

manner as the law provides for justices and special justices of the district courts; (4) except as otherwise provided in this section he shall have the same powers, duties, rights and privileges, including the power to hear and decide civil actions, as a justice of a district court who is required to devote full-time to his duties and who is not the administrative head of his court; and (5) as provided in the preceding section, he shall be eligible to be a first justice of the division to which he is appointed.

(c) The certificate provided for in paragraph (a) of this section may be filed with the administrative justice for the district courts at any time before May thirty-first, nineteen hundred and seventy-nine.

(d) The provisions of section six with regard to vacation and sick leave, including the provisions relative to accumulation, shall be deemed applicable to all justices and special justices who serve full-time in accordance with the provisions of this section. During the calendar year in which his certificate is made effective a special justice shall be entitled to the number of absences for vacation and sick leave corresponding to the proportion of said year remaining after said certificate becomes effective.

Notwithstanding any provisions of the General Laws to the contrary, (1) for the purposes of determining pension responsibilities a special justice appointed, or first appointed, as the case may be, to his office prior to January second, nineteen hundred and seventy-five who serves full-time in accordance with the provisions of this section shall not be subject to the provisions of section sixty-five D of chapter thirty-two; and (2) for purposes of determining the pension rights of a special justice who serves full-time in accordance with the provisions of this section said special justice may elect to waive the provisions of section sixty-five B of chapter thirty-two and his full-time service shall be deemed the service of a justice of a district court, other than the administrative justice, and said special justice shall be entitled to the same credit for his part-time service, if any, as a special justice as is provided in section sixty-five A of chapter thirty-two for a justice of a district court who has previously served as a special justice; provided, however, that nothing herein shall be construed to alter the pension rights and responsibilities applicable to a special justice who does not file a certificate under the provisions of this section.

(e) Any special justice holding office on January first, nineteen hundred and seventy-six who does not file a certificate under the foregoing provisions shall, after July first, nineteen hundred and seventy-nine, be precluded from engaging directly or indirectly in the practice of law.

(f) Except as provided in paragraph (e), nothing in this section shall affect the powers, duties, rights and privileges of any special justice who is holding his office on January first, nineteen hundred and seventy-six and who does not file a certificate under the provisions of paragraph (a).

(g) Any special justice who assumes office after January first, nineteen hundred and seventy-six shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law, and shall also be subject to so much of the other provisions of

paragraphs (b) and (d) of this section as are applicable.

(h) Nothing in this section shall be construed to establish a new judicial position nor to abolish the tenure of any incumbent special justice of a district court.

(i) Nothing in this section shall be construed to interfere with the existing administrative powers and duties of a senior justice in a district court.

SECTION 175. Chapter 218 of the General Laws is hereby amended by striking out section 9, as most recently amended by section 4 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 9. In case of the absence, death or removal of a clerk of a division of the district court department or of the juvenile court department the first justice of said division may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.

A temporary clerk shall be paid by the commonwealth for each day's service an amount equal to the rate by the day of the compensation of the clerk of such court as established in the salary schedule set forth in section seventy-nine; but compensation so paid to a temporary clerk for service, in excess of the number of days of vacation accumulated by the clerk as provided in section eight in any one year, shall be deducted by the state treasurer from the salary of the clerk; provided, however, that if a clerk is absent, due to his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated pursuant to said section eight, no such deduction shall be made. Such thirty days sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event not exceed one hundred and eighty days in any consecutive six-year period. If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or a municipality, he shall not receive the salary of both office or positions during the period of such temporary service.

SECTION 176. Said chapter 218 is hereby further amended by striking out section 10, as most recently amended by section 1 of chapter 446 of the acts of 1977, and inserting in place thereof the following section:-

Section 10. The clerk of a district court division may, subject to the approval of the justice, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section fifty-three. In divisions having one or more assistant clerks the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in divisions the judicial districts of which have, according to the national or state census last preceding, a population of sixty thousand or more, and in the following divisions:-

- second district court of Barnstable
- district court of central Berkshire
- district court of southern Berkshire

- district court of northern Berkshire
- first district court of Bristol
- district court of Chicopee
- district court of eastern Essex
- district court of Fitchburg
- district court of Franklin
- district court of eastern Hampden
- district court of western Hampden
- district court of Holyoke
- district court of Marlborough
- first district court of eastern Worcester
- first district court of northern Worcester
- first district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed in:

- fourth district court of Bristol
- municipal court of Brookline
- district court of Chelsea
- first district court of Essex
- district court of central Middlesex
- first district court of northern Middlesex
- district court of southern Norfolk
- district court of western Norfolk
- district court of Peabody
- third district court of Plymouth
- fourth district court of Plymouth.

Three assistant clerks with salaries payable by the commonwealth may be appointed in:

- first district court of Barnstable
- municipal court of the Brighton district
- second district court of Bristol
- district court of Hampshire
- first district court of eastern Middlesex
- second district court of eastern Middlesex
- fourth district court of eastern Middlesex
- district court of Newton
- second district court of Plymouth
- district court of Somerville.

Four assistant clerks with salaries payable by the commonwealth may be appointed in:

- third district court of Bristol
- East Boston district court
- municipal court of the South Boston district
- district court of Brockton
- municipal court of the Charlestown district
- central district court of northern Essex
- district court of southern Essex
- district court of Lowell
- district court of northern Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed in:

- district court of Lawrence.

Six assistant clerks with salaries payable by the commonwealth may be appointed in:

- first district court of southern Middlesex

district court of East Norfolk
municipal court of the West Roxbury district.

Seven assistant clerks with salaries payable by the commonwealth may be appointed in:

municipal court of the Dorchester district
central district court of Worcester.

Nine assistant clerks with salaries payable by the commonwealth may be appointed in:

district court of Springfield.

Ten assistant clerks with salaries payable by the commonwealth may be appointed in:

third district court of eastern Middlesex
municipal court of the Roxbury district court.

One of the ten assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years, shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section eight of chapter two hundred and eleven B.

Each assistant clerk appointed under the authority of this section shall be entitled to thirty days vacation leave and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may be accumulated, provided that the total number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave accumulated shall not exceed one hundred and eighty days.

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall receive the same salary as the first assistant clerk:-

third district court of eastern Middlesex
district court of Lowell.

In the central district court of Worcester, the district court of Lowell, and the third district court of eastern Middlesex the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk shall be equal to eighty-seven and one half per cent of the maximum salary of the clerk of said court.

SECTION 177. Said chapter 218 is hereby further amended by striking out section 11, as most recently amended by section 6 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 11. In case of the absence, death or removal of a salaried assistant clerk of the district court department, the clerk subject to the approval of the first justice, may appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled. A temporary assistant clerk shall be paid by the commonwealth for each day's service an amount equal to the rate by the day of the compensa-

tion of such assistant clerk as established by section eighty, but compensation so paid to a temporary assistant clerk for service, in excess of the number of days of vacation accumulated by the assistant clerk as provided in section ten in any one year, shall be deducted by the state treasurer from the salary of such assistant clerk; provided, however, that if an assistant clerk is absent due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made. Such thirty day sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event, not exceed one hundred and eighty days in any consecutive six-year period.

SECTION 178. Section 12 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A clerk may make and issue writs and processes, shall make returns of the court, tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the court, including fees for blanks and copies.

SECTION 179. Said chapter 218 is hereby further amended by striking out section 13, as most recently amended by section 1 of chapter 157 of the acts of 1939, and inserting in place thereof the following section:-

Section 13. The records, papers and documents of the district courts may, subject to the approval of the supervisor of public records, be stored and kept in fireproof rooms, vaults and safes, provided by the commonwealth in the towns where the divisions are respectively situated, or in the courthouses.

SECTION 180. Said chapter 218 is hereby amended by striking out section 15, as most recently amended by section 2 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 15. The administrative justice for the district court department and the administrative justice for the Boston municipal court department, shall prescribe the times for holding civil and criminal trials in their respective departments, and the divisions thereof, except where such times are established by law, and the hours when their respective departments, and divisions, shall open for the transaction of business, and shall also prescribe reasonable daily office hours for the clerks of their respective divisions, during which hours the offices of such clerks shall be open, and may authorize such clerks to operate their offices on Saturdays with reduced personnel. Such hours shall be fixed with reference to the business of said divisions and the convenience of the public and of attorneys, and notice thereof shall be posted in a conspicuous place in the offices of the respective clerks. Clerks shall also keep their offices open whenever the court so orders.

SECTION 181. Section 16 of said chapter 218, as most recently amended by section 5 of chapter 214 of the acts of 1939, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The clerk of

a division of the district court department before entering upon the performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office, shall give to the commonwealth a bond, conditioned to perform faithfully his official duties, with a surety company authorized to transact business in the commonwealth, as surety, in a sum approved by the administrative justice of the district court department, but in no event less than five thousand dollars.

SECTION 182. Said chapter 218 is hereby amended by striking out section 17, as amended by section 12 of chapter 738 of the acts of 1956, and inserting in place thereof the following section:-

Section 17. A justice, clerk or assistant clerk of a district court shall not be retained or employed as an attorney in an action, complaint or proceeding pending in the division to which he is appointed, or which has been examined or tried therein; and a special justice shall not be so retained or employed in any case in which he acts or has acted as justice. No justice or special justice shall hear or try any case or proceeding in any division of the district court department, if he shall know that a partner or office associate of his has been directly or indirectly retained or employed as attorney in such case or proceeding. No special justice shall practice in a criminal session of any court in the commonwealth, nor shall he practice at all in the division, or predecessor district court, to which he is appointed.

SECTION 183. The first paragraph of section 19B of said chapter 218, as appearing in section 1 of chapter 419 of the acts of 1969, is hereby amended by striking out, in line 10, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 184. Section 19C of said chapter 218, inserted by chapter 582 of the acts of 1970, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Subject to the approval of the supreme judicial court, the administrative justice for the district court department may from time to time promulgate rules and prescribe forms for the efficient operation of such equity sessions in the divisions of the district court department; and in the Boston municipal court department the administrative justice for said department may promulgate such rules and prescribe such forms.

SECTION 185. Said chapter 218 is hereby further amended by striking out section 21, as most recently amended by section 21 of chapter 266 of the acts of 1976, and inserting in place thereof the following section:-

Section 21. The administrative justice for the district court department shall make uniform rules applicable to all the divisions within said department, and the administrative justice for the Boston municipal court department shall make rules for the department, in both instances subject to the approval of the supreme judicial court, providing for a simple, informal and inexpensive procedure, hereinafter called the procedure, for the determination, according to the rules of substantive law, of claims in the nature of contract or tort, other than slander and

libel, in which the plaintiff does not claim as debt or damages more than seven hundred and fifty dollars, except that said dollar limitation shall not apply to an action for property damage caused by a motor vehicle, and for a review of judgments upon such claims when justice so requires. The procedure shall not be exclusive, but shall be alternative to the formal procedure for civil actions begun by summons and complaint. Actions under this section and sections twenty-two to twenty-five, inclusive, shall be brought in the judicial district where the defendant lives or has his usual place of business or employment; provided, however, that actions brought against a landlord or lessor of land or tenements rented for residential purposes, and arising out of such property or rental, may also be brought in the judicial district in which the property is located; provided, further, that each division within the district court department shall have civil jurisdiction of such actions commenced in such division which should have been brought in some other division, to the extent that the action may be heard and disposed of by the court in the division in which it was begun if the venue of said action is waived or, if venue requirements are not waived, the court may, on motion of any party, order the action, with all papers relating thereto, transferred for hearing and disposition to the division in which the action should have been commenced. Said action shall thereupon be entered and prosecuted in such division as if it had originally commenced therein, and all prior proceedings otherwise regularly taken shall thereafter be valid. An action may be commenced under this section if the initial amount of damages claimed is seven hundred and fifty dollars or less or is an action for property damage caused by a motor vehicle regardless of the amount of the claims notwithstanding that the court may award double or treble damages in accordance with the provisions of any general or special law. For the purpose of hearing such property damage claims the procedure established shall provide for all such claims to be heard on one evening every other week, and on one Saturday on the alternative week, unless otherwise agreed to by all parties in such actions in accordance with the provisions of section thirty-four O of chapter ninety.

SECTION 186. Section 22 of said chapter 218, as most recently amended by section 10 of chapter 377 of the acts of 1975, is hereby further amended by adding the following paragraph:-

At the commencement of an action under the procedure the plaintiff shall be informed that such action may be submitted to the magistrate for mediation and resolution at the request of either party and with the agreement of both parties. The magistrate shall make appropriate note of any agreement so reached, and entry of judgment shall be made by the court. Any action which is not resolved by agreement may, at the request of any party, be heard by a justice under the preceding paragraph.

SECTION 187. Section 26 of said chapter 218 is hereby amended by striking out the first sentence, as amended by chapter 235 of the acts of 1976, and inserting in place thereof the following sentence:- The district courts and the municipal court of the city of Boston shall have original jurisdiction, concurrent with

the superior court, of the following offenses, complaint of which shall be brought in the division of the district court department, or in the Boston municipal court department, as the case may be, within whose judicial district the offense was allegedly committed or is otherwise made punishable: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes mentioned in sections sixteen, seventeen, eighteen, nineteen, twenty-eight and forty-nine of chapter two hundred and sixty-six, and the crimes of escape or attempt to escape from any penal institution, forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged.

SECTION 188. Said chapter 218 is hereby further amended by inserting after section 26 the following section:-

Section 26A. Trial of criminal offenses in the Boston municipal court department and in the divisions of the district court department shall be by a jury of six, unless the defendant files a written waiver and consent to be tried by the court without a jury, subject to his right of appeal therefrom for trial by a jury of six pursuant to section twenty-seven A. Such waiver shall not be received unless the defendant is represented by counsel or has filed a written waiver of counsel. Such trials by jury in the first instance shall be in those jury sessions designated by said section twenty-seven A for the hearing of such appeals. All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.

SECTION 189. Said chapter 218 is hereby further amended by striking out section 27A, inserted by section 1 of chapter 620 of the acts of 1972, and inserting in place thereof the following section:-

Section 27A. (a) Every division of the district court department is authorized to hold jury-of-six sessions for the purpose of hearing appeals by defendants found guilty in the several divisions of criminal offenses over which the district courts have original jurisdiction under the provisions of section twenty-six. The Boston municipal court department shall also be so authorized for the purpose of hearing appeals from convictions in said Boston municipal court department, or in the divisions of the district court department in Suffolk county.

(b) The administrative justice for the district court department shall designate at least one division in each county for the purpose of hearing cases appealed to a jury of six; except that appeals from divisions within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or with the approval of the administrative justice, may be held in such district courts the judicial districts of which adjoin Suffolk county as are designated by said administrative justice; and appeals in the divisions for Dukes county and Nantucket county may be held in Barnstable county or Bristol county; and provided further that, with the approval of the administrative

justice for the superior court department, facilities of said superior court may be designated by the chief administrative justice of the trial court for appeals from divisions of the district court department or from the Boston municipal court department.

(c) A defendant found guilty in any division of the district court department may appeal to a jury-of-six session in the same division if such has been established in said division at the time the appeal is taken. If such session has not been so established, the defendant may appeal to a jury-of-six session as designated in paragraph (b).

(d) The justice presiding over a jury-of-six session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases, but in no case may he impose a sentence to the state prison. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein.

(e) Trials by juries of six shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled.

(f) For the jury-of-six sessions, the superior court shall make available jurors from the pool of jurors for the jury sessions in either civil or criminal sessions in the superior court.

(g) The district attorney for the district in which the alleged offense or offenses occurred shall appear for the commonwealth in all cases. The administrative justices for the district court department and the Boston municipal court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided for such appeals. Review may be had directly by the appeals court, by a bill of exceptions, appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court. The defendant may elect to waive a jury of six in the manner provided by section six of chapter two hundred and sixty-three.

(h) The justice presiding at such jury-of-six session shall, upon the request of the defendant, appoint a stenographer, who shall be sworn, and who shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice for the department where the case is tried; provided, however, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said administrative justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of said stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court

by the defendant in writing not later than forty-eight hours prior to the proceeding for which the stenographer has been requested. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means upon the filing of written assent by all parties to the proceeding.

(i) In any case heard in a jury-of-six session where a defendant is found guilty and placed on probation, he shall thereafter be supervised by the probation officer of the court in which the case originated.

SECTION 190. Section 31 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "the superior court" and inserting in place thereof the words:- a jury session of the district courts.

SECTION 191. Said chapter 218 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. A clerk, assistant clerk, temporary clerk or temporary assistant clerk, may receive complaints, administer to complainants the oath required thereto, and issue warrants, search warrants and summonses, returnable as required when such process are issued by said courts. No other person, except a judge, shall be authorized to issue warrants, search warrants or summonses.

SECTION 192. The second paragraph of section 35 of said chapter 218, added by chapter 552 of the acts of 1975, is hereby amended by striking out, in line 5, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 193. Section 35A of said chapter 218, as amended by chapter 293 of the acts of 1945, is hereby further amended by adding the following paragraphs:-

If such complaint is received, the court, or any of said officers referred to in the preceding paragraph, shall, unless there is an imminent threat of bodily injury, of the commission of a crime or of flight from the commonwealth by the person against whom such complaint is made, give to said person, if not under arrest for the offense for which the complaint is made, notice in writing of such complaint; and said person shall be given an opportunity to be heard in opposition to the issuance of process as provided in the first paragraph. Unless a citation as defined in section one of chapter ninety C has been issued, notice shall also be given of the manner in which he may be heard in opposition as provided herein.

The court, or said officer thereof, may upon consideration of the evidence cause process to be issued unless there is no probable cause to believe that the person who is the object of the complaint has committed the offense charged.

The term district court as used in this section shall include the Boston municipal court department.

SECTION 194. Section 38 of said chapter 218 is hereby amended by striking out the second sentence, as amended by section 2 of chapter 347 of the acts of 1939, and inserting in place thereof

the following sentence:- Sittings of the courts shall be held in the courthouses or other places provided therefor by the judicial branch, at the times and in the towns fixed by law; but if the times are not fixed by law, they shall be prescribed as provided in section fifteen.

SECTION 195. Said chapter 218 is hereby further amended by striking out section 39, as amended by section 4 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 39. Justices and clerks of district courts, except the municipal court of the city of Boston, may procure all law books relating to the laws of the commonwealth, including the reports of the supreme judicial court, the Massachusetts digests, all blank books, blanks, stationery and other incidentals required by said courts and approved by the justices. The clerk of a district court in any county other than Suffolk, the judicial district of which has a population exceeding one hundred and twenty thousand as ascertained by the last preceding national or state census and in which there is no county law library, may, with the approval of the administrative justice, procure other law books required by said court. The expenses thereof shall be certified by the justices or clerks monthly, and shall be transmitted to the state treasurer for payment.

SECTION 196. Said section 218 is hereby further amended by striking out section 40, as most recently amended by section 7 of chapter 862 of the acts of 1975, and inserting in place thereof the following section:-

Section 40. A special justice of a district court who does not serve full time in accordance with the provisions of section 6A shall sit in the municipal court of the city of Boston by assignment in the same manner as if he were serving full time. When such a special justice, who is part-time, so-called, holds court, or a session thereof or an inquest, or certifies a bill of costs to the treasurer of the commonwealth, that fact, and the fact which gave him jurisdiction, shall be entered upon the general records of the court, but need not be stated in the record of any case heard by him.

Except in the municipal court of the city of Boston, the district court of Dukes county and the district court of Nantucket, no justice or special justice who does not serve full-time shall hear and determine any civil cases other than supplementary proceedings, summary process, small claims, and proceedings relating to juveniles and insane persons in any district court without the authorization of the administrative justice of the district courts. The administrative justice of the district courts shall give such authorization for specified limited periods of time in specified district courts and only as the public convenience may require, and may give such authorization by general rule applicable to the hearing and determination of interlocutory proceedings, or whenever full-time justices or special justices assigned to hear such civil cases, who serve full-time in accordance with the provisions of section six A, are absent or otherwise unable to sit. No such authorization shall be required for the rehearing

of matters of law arising in civil causes by any justice assigned to the appellate division of a district court.

SECTION 197. Said chapter 218 is hereby further amended by inserting after section 42 the following section:-

Section 42A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the district court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the district court department. In addition to the powers conferred in section ten of said chapter two hundred and eleven B, he shall have the powers and duties prescribed in sections 43 to 43D of this chapter and in such other provision of statute.

SECTION 198. Said chapter 218 is hereby further amended by striking out sections 43 to 43B, inclusive, and inserting in place thereof the following three sections:-

Section 43. The administrative justice shall from time to time make and promulgate uniform rules of practice and procedure, subject to the approval of the supreme judicial court, including rules for the preparation and submission of reports, the allowance of reports which a justice shall disallow as not conformable to the facts, or shall fail to allow by reason of physical or mental disability, death, resignation, retirement or removal and the reporting of cases reserved for report when a justice shall fail to report the same by reason of physical or mental disability, death, resignation, retirement or removal, the granting of new trials, and the practice and the manner of conducting business in cases which are not expressly provided for by law. Such rules shall not apply to the Boston municipal court department.

Section 43A. The administrative justice shall be authorized to require uniform practices, to prescribe forms of blanks and records, and to superintend the keeping of records by clerks. He shall have general superintendence of all the divisions of the district court department, and their clerks and other offices; but, except as otherwise provided by law, shall have no power to appoint any such officers. He shall have the power to prohibit practice of motor vehicle tort cases, so called, by the justices and special justices appointed to the respective divisions.

Section 43B. In addition to the powers set forth in section forty-three A, the administrative justice for the district court department shall prescribe official forms to be used in all divisions of said department. Nothing in this section shall be construed as affecting the provisions of section one hundred and one A of chapter two hundred and seventy-six.

SECTION 199. Section forty-three C of said chapter two hundred and eighteen is hereby repealed.

SECTION 200. Said chapter 218 is hereby further amended by striking out section 43D, inserted by section 3 of chapter 852 of the acts of 1967, and inserting in place thereof the following

section:-

Section 43D. Subject to the approval of the supreme judicial court, the administrative justice for the district court department shall make uniform rules applicable to all the divisions of said department, and the administrative justice for the Boston municipal court department shall make rules applicable to that department, providing for a simple, informal and inexpensive procedure for the determination of claims for compensation of victims of violent crimes, as provided under chapter two hundred and fifty-eight A.

SECTION 201. Section 44 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "in the municipal court of the city of Boston, the chief justice" and inserting in place thereof the words:- in the Boston municipal court department, the administrative justice.

SECTION 202. Said chapter 218 is hereby further amended by striking out section 47, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 47. Clerks of district courts, except the municipal court of the city of Boston, shall, on or before the tenth day of each month, account for and pay over to the state treasurer all money received by them from civil business, including fees for the blanks and copies, and to city and town treasurers all fines and forfeitures received by them payable to said cities or towns, and render to said treasurers a detailed account on oath of the same. Such payments shall include the balances due and payable at the end of the month last preceding the day of payment. They shall, at the end of a criminal case, pay the fees and expenses of officers entitled thereto from the funds in their hands payable to the city or town liable for the payment of such fees and expenses, if they have sufficient funds therefor, and all such fees and expenses not so paid shall be certified at the end of each month to the treasurer of the city or town liable therefor, who shall pay them to the parties entitled thereto. They shall, at the end of a criminal case or inquest, pay the fees of witnesses for the commonwealth and the fees and expenses of officers at inquests who are entitled thereto, from the funds furnished them by the state treasurer for that purpose, or out of any funds which may be paid into court and are payable to the commonwealth. They shall be allowed for the amounts so paid in their settlement with the state, city and town treasurers. If they do not have in their hands sufficient funds returnable to the commonwealth with which to pay such fees, as herein provided, that may make written requisition therefor upon the state treasurer, who shall pay to them not more than two hundred dollars each in any one month; but if it appears necessary to the commissioner of administration, he may approve in addition thereto a requisition for not more than two hundred dollars in any one month, and, upon receipt of a requisition so approved, the state treasurer may pay to them such amount as may be called for therein. They shall account therefor in their regular settlements with the state treasurer and shall be liable therefor on their official bonds. A clerk violating any provision of this section shall be

punished by a fine of not more than one hundred dollars.

SECTION 203. Section 49 of said chapter 218, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If they do not have sufficient funds in their hands with which to make such payments, they may make written requisition upon the administrative justice and thereupon the state treasurer shall advance to them not more than one hundred dollars each in any one month, for which they shall, before the tenth day of each month, account to the commonwealth and for which they shall be liable on their official bonds.

SECTION 204. Said chapter 218 is hereby further amended by striking out section 50, as most recently amended by section 7 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 50. The Boston municipal court department established under section 1 of chapter two hundred and eleven B shall consist of nine associate justices of the trial court appointed to said department. They shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Said justices shall each be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

The justices appointed to said department may, subject to the approval of the supreme judicial court, from time to time make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Unless the context refers only to a district court or a juvenile court, or some other clearly contrary intent, whenever the words "municipal court of the city of Boston", "municipal court", "district court" or "court" are used in this chapter, they shall refer to the Boston municipal court department. And unless the context includes, or refers only to, a person appointed to a district court or to the Boston juvenile court, the words "justice" or "associate justice" shall mean an associate justice of the trial court appointed to the Boston municipal court department; and the words "clerk" or "clerk of court" shall mean a clerk of said department; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of said department.

SECTION 205. Section fifty-one of said chapter two hundred and eighteen is hereby repealed.

SECTION 206. Said chapter 218 is hereby further amended by inserting after section 51 the following section:-

Section 51A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the Boston municipal court department, in addition to his

judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the Boston municipal court department.

Said administrative justice, or, in case of his death, illness, absence or incapacity, the senior justice in the department, shall allow bills of costs, accounts, charges and expenses which arise in his department, and shall certify to the public officer by whom payable such amounts so allowed.

SECTION 207. Said chapter 218 is hereby further amended by striking out section 52, as most recently amended by section 8 of chapter 587 of the acts of 1975, and inserting in place thereof the following section:-

Section 52. In addition to the powers conferred in section ten of chapter two hundred and eleven B, the administrative justice referred to in section fifty-one A may from time to time make assignments for the attendance of a justice at the several times and places appointed for holding court. Said administrative justice, or, in case of his death, illness, absence or incapacity, the senior justice in the department, if in his opinion the public business so requires, may provide for additional sessions in the department. A special justice appointed in the district court department, with the assent of the administrative justice for that department, may hold any such additional session at the request of the administrative justice or senior justice as aforesaid. During the continuance of such request a special justice shall have and exercise all the powers and duties of a justice. The fact of holding court and the fact which gave him jurisdiction shall be entered upon the general records of the court, but need not be stated in the record of any case heard by him. The compensation of said justice shall be at the rate by the day of the salary of an associate justice of the municipal court of the city of Boston; and, except when holding an additional session as above provided, the compensation for service in excess of the number of days of vacation leave he has accumulated which may be rendered to or for any one justice shall be deducted from the salary of such justice; provided, however, that if such justice is absent due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made.

SECTION 208. Said chapter 218 is hereby further amended by striking out section 53, as most recently amended by section 9 of said chapter 587, and inserting in place thereof the following section:-

Section 53. There shall be a clerk and twelve assistant clerks of said court for criminal business, and a clerk and twelve assistant clerks of said court for civil business. The assistant clerks shall be appointed by the clerks, respectively, subject to the approval of the justices or a majority of them, and the clerks shall be responsible for the doings of their assistants, and may remove them at pleasure. The salaries of the clerks and the assistant clerks shall be paid by the commonwealth as follows: the clerk of said court for criminal business and the

clerk of said court for civil business shall each receive as a salary a sum equivalent to the salary of a clerk of a Class I division of the district court department established under section seventy-nine; the first assistant clerk and the assistant clerk in charge of jury appeals sessions, so designated by the clerk for criminal business, and the first assistant clerk for civil business shall each receive as a salary a sum equivalent to eighty-seven and one half per cent of the salary of their respective clerks and all other assistant clerks shall each receive as a salary a sum equivalent to seventy-five per cent of the salary of their respective clerks.

The clerks and assistant clerks shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Each clerk and assistant clerk of said court shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

Assistant clerks appointed under authority of this paragraph who have held said appointment for three consecutive years shall hold office during good behavior, but subject to applicable retirement laws, and may be removed by the clerks, respectively, for cause shown, subject to the procedures authorized by section eight of chapter two hundred and eleven B.

The clerk of said court for civil business and the clerk of said court for criminal business may each designate such employees in his office, as in his judgment may be necessary for the convenience of the public, as deputy assistant clerks of said court who shall have the same authority to administer oaths as the assistant clerks of said court.

SECTION 209. Said chapter 218 is hereby further amended by striking out section 53A, as amended by section 10 of said chapter 587, and inserting in place thereof the following section:-

Section 53A. In case of the absence, death or removal of a salaried assistant clerk of the Boston municipal court department, the clerk of said court for civil business or the clerk of said court for criminal business, as the case may be, may, subject to the approval of the administrative justice, appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.

SECTION 210. Said chapter 218 is hereby further amended by striking out section 55, as amended by section 1 of chapter 533 of the acts of 1964, and inserting in place thereof the following section:-

Section 55. The justices of said department may employ stenographic services and provide for recording systems for the court. Said department may secure for its criminal business medical service, and the equipment necessary therefor, and for this purpose may expend annually such sum, not exceeding fifteen thousand dollars, as the justices of said court may from time to time determine, subject to the approval of the chief .

administrative justice of the trial court. Sums so expended shall be paid by the commonwealth upon vouchers approved by the administrative justice for the department.

SECTION 211. Said chapter 218 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 56. The clerks shall, on or before the tenth day of each month, account for an pay over to the collector of the city of Boston or to the state treasurer, as the case may be, the balance due and payable at the end of the preceding month of all money received by them payable by law to the city of Boston or to the commonwealth, and shall render to said officers a detail account thereof under oath. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

SECTION 212. Said chapter 218 is hereby further amended by striking out section 57, as most recently amended by section 15 of chapter 731 of the acts of 1972, and inserting in place thereof the following two sections:-

Section 57. The juvenile court department established under section one of chapter two hundred and eleven B shall be composed of divisions, one for each of the judicial districts hereinafter enumerated, which shall continue to have and exercise jurisdiction over the following cities, towns, wards and territory, respectively:

Boston; within the same territorial limits as are prescribed for the criminal jurisdiction of the Boston municipal court department, and also within the territorial limits of wards four, five, and ten, except precincts one, six and seven of said ward ten, and precincts one and two of ward twenty-one; of Boston, all as existing on February first, nineteen hundred and seventy-six; and also as provided in sections twenty-four and thirty-nine E of chapter one hundred and nineteen relating to children within Suffolk county.

Worcester; within the same territorial limits as are prescribed for the criminal jurisdiction for the central district of Worcester.

Springfield; within the same territorial limits as are prescribed for the criminal jurisdiction of the district court of Springfield.

Bristol county; within the same territorial limits as are prescribed for the criminal jurisdiction of all the districts of Bristol county.

Appeals provided under sections twenty-seven, thirty-nine I and fifty-six of chapter one hundred and nineteen, when taken from a court in Suffolk county, except the municipal court of the city of Boston, shall be to the appeals session of the division of the juvenile court department for Boston, and such appeals from the division of the juvenile court department for Bristol county shall be to said division in its juvenile appeal session. Appeals from courts in Worcester county and Hampden county may be taken to the appeals sessions of the divisions of the juvenile court department for Worcester and Springfield, respectively.

Whenever the words "juvenile court" or "court", when the context indicates a juvenile court, are used in this chapter, they shall refer to a division of the juvenile court department. And when the context indicates personnel appointed to a juvenile

court, the words "justice" or "special justice", provided that he is serving full time under the provisions of sections fifty-eight B or fifty-eight C, shall mean an associate justice of the trial court appointed to a division of the juvenile court department; and the words "clerk" or "clerk of court" shall mean the clerk of said division; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, a deputy assistant clerk, temporary clerk or temporary assistant clerk of said division.

Section 57A. The justice provided for under section one of chapter two hundred and eleven B as the administrative justice for the juvenile court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court and the administrative authority of the chief administrative justice of the trial court, be the administrative head of the juvenile court department.

Said administrative justice may appoint an executive secretary and, for the purpose of coordinating the business of the department, said administrative justice shall define his duties. Said executive secretary shall be a member of the bar and shall receive from the commonwealth a salary equal to seventy per cent of the salary of said administrative justice. Said executive secretary shall devote full time during business hours to his duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 213. Said chapter 218 is hereby further amended by striking out said section 58, as most recently amended by section 1 of chapter 241 of the acts of 1977, and inserting in place thereof the following section:-

Section 58. The Worcester and Springfield divisions of the juvenile court department shall each consist of one justice, the Bristol county division shall consist of two justices, and the Boston division shall consist of three justices, all of whom shall be members of the bar. The administrative justice for the district court department may, upon request of the administrative justice for the juvenile court department, assign a special justice who is not serving full-time under the provisions of section six A from the district court department to sit in any division of the juvenile department.

The senior justice in length of full-time service in the division to which he is appointed, whether as a justice or as special justice, shall be the first justice of said division. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and of temporary assistant clerks, with all of such appointments subject to rejection by the chief administrative justice for non-compliance as provided in section eight of chapter two hundred and eleven B.

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and shall hold office during good behavior, subject, however, to

retirement under the provisions of any applicable general or special law relative to retirement systems. The Boston division of the juvenile court department shall have a first assistant clerk and five assistant clerks, who shall be appointed by the clerk subject to the approval of the first justice.

The salary of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth as follows: the clerk of a division of the juvenile court department shall receive as a salary a sum equivalent to the salary of a clerk of a Class I division of the district court department established under section seventy-nine; the first assistant clerk of a division of said department shall receive as a salary a sum equivalent to eighty-seven and one half per cent of the salary of the clerk; and all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk. In the Boston division of said department one of the assistant clerks shall be designated by the clerk as an assistant clerk in charge of the appeals session and shall receive the same salary as the first assistant clerk.

The clerks and assistant clerks of the juvenile court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The clerks and assistant clerks of the juvenile court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 214. Said chapter 218 is hereby amended by inserting after section 58B the following section:-

Section 58C. (a) Any special justice of a juvenile court who assumes office after January first, nineteen hundred and seventy-six shall devote full time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law.

(b) Said special justice shall be paid the salary provided in section seventy-seven A for justices of the district courts who are required to devote full time to their duties, other than the administrative justice thereof, said salary to be paid from the same source and in the same manner as the salary paid to a justice of a juvenile court, and travel and expense allowance to the same extent as is provided for justices of district courts.

(c) Said special justice shall sit in such other divisions or departments within the trial court as the law provides for a justice of a juvenile court; and he shall have such other powers, duties, rights and privileges as has a special justice under clauses (4) and (5) of paragraph (b) of section six A.

(d) Said special justice shall have the same rights of vacation and sick leave and the same pension rights and responsibilities as are provided a special justice of a district court under paragraph (d) of section six A.

SECTION 215. Section 59 of said chapter 218, as most recently amended by section 16A of chapter 859 of the acts of 1969, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The administrative justice for the juvenile court department, if in his opinion the public business so requires, may provide for additional sessions within said department.

SECTION 216. Section 60 of said chapter 218, as most recently amended by section 17 of said chapter 859, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- In addition to the powers conferred in section 10 of chapter two hundred and eleven B, the administrative justice for the juvenile court department may, from time to time, provide procedural forms and make general rules in reference to practice and procedure for the conducting of business in the juvenile court department or in the juvenile sessions of the district court department, subject to the approval of the supreme judicial court.

Notwithstanding any provision of law to the contrary, said administrative justice may make and promulgate rules providing for the transfer of petitions brought in the Boston division of the juvenile court department under sections thirty-nine E to thirty-nine J of chapter one hundred and nineteen for hearing in such divisions of the district court department in Suffolk County as may be appropriate.

SECTION 217. Section 62A of said chapter 218, as most recently amended by chapter 509 of the acts of 1974, is hereby further amended by striking out, in lines 3 and 6, the word "chief", and inserting in place thereof, in each instance, the word:- administrative.

SECTION 218. Said chapter 218 is hereby further amended by striking out section 63, as most recently amended by chapter 81 of the acts of 1969, and inserting in place thereof the following section:-

Section 63. Court officers in the district court department shall, while on duty in said department, wear uniforms to be approved by the administrative justice for said department, which shall be furnished at the expense of the commonwealth.

SECTION 219. Section 64 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "chief" and inserting in place thereof the word:- administrative.

SECTION 220. Section 67 of said chapter 218, as so appearing, is hereby amended by striking out, in line 5, the word "chief" and inserting in place thereof the following word:- administrative.

SECTION 221. Said chapter 218 is hereby further amended by striking out section 69, as so appearing, and inserting in place thereof the following section:-

Section 69. Clerks of the divisions of the district court department shall be allowed annually for clerical assistance such amount as shall be approved by the administrative justice for said depart-

ment.

SECTION 222. Said chapter 218 is hereby amended by striking out section 70, as most recently amended by section 17 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 70. The clerks of the Boston municipal court department for civil business and for criminal business and the clerks of the divisions of the juvenile court department shall each be annually allowed for clerical assistance such amounts as the administrative justice for their respective departments may approve.

SECTION 223. Said chapter 218 is hereby further amended by striking out section 74, as amended by section 11 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 74. Salaries of justices and special justices appointed to district courts shall be paid in monthly installments by the commonwealth.

SECTION 224. Sections seventy-five, seventy-five A, seventy-six, seventy-six A, seventy-seven A and seventy-seven B of said chapter two hundred and eighteen are hereby repealed.

SECTION 225. Said chapter 218 is hereby further amended by striking out section 79, as most recently amended by section 2 of chapter 469 of the acts of 1976, and inserting in place thereof the following section:-

Section 79. (1) The salary of the clerks of the following district court divisions shall be paid by the commonwealth in accordance with the schedule as set forth in paragraph (2):

Class I. first district court of Barnstable
 second district court of Barnstable
 first district court of Bristol
 second district court of Bristol
 third district court of Bristol
 fourth district court of Bristol
 municipal court of Brookline
 district court of Brockton
 district court of Chelsea
 district court of Chicopee
 district court of Dukes county
 first district court of Essex
 district court of eastern Essex
 district court of southern Essex
 central district court of northern Essex
 district court of Fitchburg
 district court of Franklin
 district court of eastern Hampden
 district court of western Hampden
 district court of Hampshire
 district court of Holyoke
 district court of Lawrence
 district court of Leominster
 district court of Lowell

- district court of central Berkshire
- district court of Marlborough
- district court of central Middlesex
- first district court of eastern Middlesex
- second district court of eastern Middlesex
- third district court of eastern Middlesex
- fourth district court of eastern Middlesex
- first district court of northern Middlesex
- first district court of southern Middlesex
- district court of Newton
- district court of Natick
- district court of East Norfolk
- district court of northern Norfolk
- district court of southern Norfolk
- district court of western Norfolk
- district court of Peabody
- second district court of Plymouth
- third district court of Plymouth
- fourth district court of Plymouth
- first district court of northern Worcester
- first district court of southern Worcester
- municipal court of the Brighton district
- municipal court of the Charlestown district
- municipal court of the Dorchester district
- municipal court of the East Boston district
- municipal court of the Roxbury district
- municipal court of the South Boston district
- municipal court of the West Roxbury district
- district court of Somerville
- district court of Springfield
- first district court of eastern Worcester
- second district court of eastern Worcester
- second district court of southern Worcester
- third district court of southern Worcester
- central district court of Worcester
- Class II. district court of northern Berkshire
- district court of eastern Hampshire
- district court of western Worcester
- district court of southern Berkshire
- Class III. third district court of Essex
- district court of eastern Franklin
- district court of Winchendon
- second district court of Essex
- district court of Nantucket
- district court of Newburyport.

(2) The clerk of a class I district court division shall receive as a salary twenty-four thousand eight hundred and fifty-six dollars; the clerk of a class II district court division shall receive as a salary nineteen thousand and four dollars and fifty cents; and the clerk of a class III district court division shall receive as a salary fifteen thousand four hundred and twenty-eight dollars.

The clerks in the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly engage in the practice

of law.

The clerks in the district court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty days and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 226. Said chapter 218, is hereby amended by striking out section 79, as most recently amended by section two hundred and twenty-five of this act, and inserting in place thereof the following section:-

Section 79. (1) The salary of the clerks of the following district court divisions shall be paid by the commonwealth in accordance with the schedule as set forth in paragraph (2):

Class I. first district court of Barnstable
 second district court of Barnstable
 first district court of Bristol
 second district court of Bristol
 third district court of Bristol
 fourth district court of Bristol
 municipal court of Brookline
 district court of Brockton
 district court of Chelsea
 district court of Chicopee
 district court of Dukes county
 first district court of Essex
 district court of eastern Essex
 district court of southern Essex
 central district court of northern Essex
 district court of Fitchburg
 district court of Franklin
 district court of eastern Hampden
 district court of western Hampden
 district court of Hampshire
 district court of Holyoke
 district court of Lawrence
 district court of Leominster
 district court of Lowell
 district court of central Berkshire
 district court of Marlborough
 district court of central Middlesex
 first district court of eastern Middlesex
 second district court of eastern Middlesex
 third district court of eastern Middlesex
 fourth district court of eastern Middlesex
 first district court of northern Middlesex
 first district court of southern Middlesex
 district court of Newton
 district court of Natick
 district court of East Norfolk
 district court of northern Norfolk
 district court of southern Norfolk
 district court of western Norfolk
 district court of Peabody

second district court of Plymouth
 third district court of Plymouth
 fourth district court of Plymouth
 first district court of northern Worcester
 first district court of southern Worcester
 municipal court of the Brighton district
 municipal court of the Charlestown district
 municipal court of the Dorchester district
 municipal court of the East Boston district
 municipal court of the Roxbury district
 municipal court of the South Boston district
 municipal court of the West Roxbury district
 district court of Somerville
 district court of Springfield
 first district court of eastern Worcester
 second district court of eastern Worcester
 second district court of southern Worcester
 third district court of southern Worcester
 central district court of Worcester

Class II. district court of northern Berkshire
 district court of southern Berkshire
 district court of eastern Hampshire
 district court of western Worcester

Class III. third district court of Essex
 district court of eastern Franklin
 district court of Winchendon
 second district court of Essex
 district court of Nantucket
 district court of Newburyport.

(2) The clerk of a Class I district court division shall receive as a salary twenty-eight thousand dollars; the clerk of a Class II district court division shall receive as a salary twenty-two thousand five hundred dollars; and the clerk of a Class III district court division shall receive as a salary twenty thousand dollars.

The clerks in the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The clerks in the district court department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 227. Section 80 of said chapter 218, as most recently amended by section 2 of chapter 668 of the acts of 1971, is hereby further amended by adding the following two paragraphs:-

The assistant clerks of the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The assistant clerks of said department shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may

be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 228. Said chapter 218 is hereby further amended by striking out section 80A, as amended by section 1 of chapter 288 of the acts of 1951, and inserting in place thereof the following section:-

Section 80A. The secretary and assistant secretary to the justices of the municipal court of the city of Boston shall receive from the commonwealth in full for all services performed by them such salaries as shall be fixed by the justices of said municipal court of the city of Boston.

SECTION 229. Said chapter 218 is hereby further amended by striking out section 81, as most recently amended by section 17 of chapter 810 of the acts of 1963, and inserting in place thereof the following section:-

Section 81. A justice of a division of the district court department upon certificate of the administrative justice for the district court department shall quarterly be reimbursed by the commonwealth for the traveling expenses incurred by him when sitting at the order of said administrative justice in a division other than the division to which he was appointed.

If sessions of a division of the district court department are held in more than one town in its district, the administrative justice shall designate in which town the clerk's main office shall be established, and the justices, clerk, assistant clerks, court officers and probation officers of such division shall each be allowed by the commonwealth his traveling expenses necessarily incurred when required to hold or attend sessions of said division at any town in the district other than the town in which said main office is so established, such expenses to be computed either from the town where such office is established to such other town, or from his place of residence within such district to such other town, whichever is the shorter distance, provided, however, that a justice or a special justice appointed to the district court in Dukes county or the district court in Nantucket county shall receive his actual expenses for travel by land, sea or air from his residence on the mainland to such county and from such county to his residence on the mainland.

SECTION 230. Chapter 221 of the General Laws is hereby amended by striking out section 1 as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 1. The justices of the supreme judicial court shall appoint the clerk of the supreme judicial court for the commonwealth for a term of five years from the date of his appointment, and may appoint an assistant clerk of said court for a term of three years from the first day of January next after his appointment, and may remove him.

SECTION 231. Chapter 221 of the General Laws is hereby amended by striking out section 4, as most recently amended by chapter 1010 of the acts of 1973, and inserting in place thereof

the following section:-

Section 4. The justices of the supreme judicial court shall appoint for a term of three years from the date of their appointment, and may remove, first assistant clerks of courts for the counties of: Barnstable, Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Worcester and in Suffolk, a first assistant clerk of the supreme judicial court.

First assistant clerks of courts except in Suffolk county shall act as assistant clerks of the supreme judicial court, the superior court department and the county commissioners.

SECTION 232. Said chapter 221 is hereby further amended by striking out section 5, as most recently amended by chapter 1055 of the acts of 1975, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

Barnstable, one assistant clerk
Bristol, five assistant clerks
Essex, eight assistant clerks
Hampden, six assistant clerks
Norfolk, eight assistant clerks
Middlesex, twenty assistant clerks
Plymouth, six assistant clerks
Worcester, ten assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, twenty assistants; (b) superior court department, by the clerk of the superior court department for civil business, twenty-one assistants; (c) supreme judicial court, by the clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

All other counties having no permanent assistant clerks, assistant clerks pro tempore or for a term of one year.

Assistants pro tempore or for the term of one year appointed under this section shall be paid by the commonwealth.

SECTION 233. Said chapter 221 is hereby further amended by inserting after section 5 the following section:-

Section 5A. The assistant clerks appointed under the provisions of sections four and five of this chapter shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 234. Section six of said chapter two hundred and twenty-one is hereby repealed.

SECTION 235. Section 6A of said chapter 221, as most recently amended by section 75 of chapter 1114 of the acts of 1973, is hereby further amended by striking out, in line 4, the words "section four or".

SECTION 236. Section 6B of said chapter 221, as most recently

amended by section 76 of said chapter 1114, is hereby further amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 237. Section 6C of said chapter 221, inserted by chapter 593 of the acts of 1970, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 238. Section 6E of said chapter 221, as appearing in chapter 118 of the acts of 1971, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 239. Section 6F of said chapter 221, as so appearing, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 240. Section 6G of said chapter 221, as so appearing, is hereby amended by striking out, in line 3, the word "four" and inserting in place thereof the word:- five.

SECTION 241. Section 6I of said chapter 221, inserted by chapter 384 of the acts of 1973, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 242. Section 6K of said chapter 221, inserted by chapter 130 of the acts of 1974, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 243. Section 6L of said chapter 221, inserted by chapter 165 of the acts of 1974, is hereby amended by striking out, in line 4, the word "four" and inserting in place thereof the word:- five.

SECTION 244. Section 12 of said chapter 221, as most recently amended by section 6 of chapter 214 of the acts of 1939, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:- Each clerk of the courts shall give bond in like manner to the commonwealth, conditioned to perform faithfully his official duties, with a surety company authorized to transact business in the commonwealth, as surety, in a sum not less than five thousand dollars. If the administrative justice shall so prescribe by rule, assistant clerks of the superior court department shall give bond in like manner and in a sum determined by said administrative justice.

SECTION 245. Said chapter 221 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 32. The clerks of the courts in the several counties, and of the supreme judicial court and superior court department for Suffolk county, shall keep cash books, which shall be the property of the commonwealth and shall be and remain a part of the records of the courts, in which they shall keep accounts of all fees received by them for their official acts and services, including fees for copies which they are not required by law to

furnish, fees and money in proceedings relative to naturalization or for naturalization certificates, and all fees and money of whatever description or character received by them, or by any assistant or other person in their offices or employment, for any acts done or services rendered in connection with their said offices, and shall on or before the tenth day of each month pay over to the state treasurer all fees received during the preceding calendar month, and shall render therewith a sworn account thereof; provided, that said clerks shall account for and pay over to the United States bureau of naturalization in accordance with the federal laws as to naturalization such part of any moneys received by them under or by authority of such laws as they are required thereby to account for and pay over.

SECTION 246. Chapter 221 of the General Laws is hereby amended by striking out section 34A, as amended by chapter 698 of the acts of 1977, and inserting in place thereof the following section:-

Section 34A. There shall be a judicial council for the continuous study of the organization, rules and methods of procedure and practice of the judicial system of the commonwealth, the work accomplished, and the results produced by that system and its various parts. Said council shall be composed of the chief justice of the supreme judicial court or some other justice or former justice of that court appointed from time to time by him; the chief justice of the appeals court or some other justice or former justice of that court appointed from time to time by him; the administrative justice for each department of the trial court or some other justice or former justice appointed to said department, or division thereof as the case may be, or to a predecessor court of said department or division, appointed from time to time by said administrative justice; and not more than four members of the bar all to be appointed by the governor, with the advice and consent of the executive council. The appointments by the governor shall be for such periods, not exceeding four years, as he shall determine.

SECTION 247. Said chapter 221 is hereby further amended by striking out section 55, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 55. The supreme judicial court, the superior court or the probate court shall award reasonable compensation to commissioners, assessors, referees, masters in chancery and special masters, for duties performed under the direction of said court, and to arbitrators appointed under chapter two hundred and fifty-one upon whose awards judgment is entered, which shall be paid by the commonwealth.

SECTION 248. Said chapter 221 is hereby further amended by striking out section 61, as most recently amended by section 19 of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 61. The court shall award reasonable compensation and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, to auditors,

and the same shall be paid by the commonwealth if they are appointed by the supreme judicial court, the superior court or the probate court. If they are appointed by any other court, the compensation awarded and expenses of travel allowed may be paid by either party and taxes in his bill or costs if he prevails; but the plaintiff shall be liable for such payment, and the court may make all orders and decrees, and issue process to enforce the same. No allowance for the expenses of travel shall be allowed by the court, unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him.

SECTION 249. Said chapter 221 is hereby further amended by striking out section 62A, as amended by section 82 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 62A. If an auditor appointed by the probate court becomes incapacitated or dies without having filed his final report the court may award him or his estate reasonable compensation, payable by the commonwealth, upon a finding that he actually performed services which would entitle him to the compensation awarded had he filed a report as provided in section sixty-two; provided, that all his records and memoranda, or copies thereof, in the case in which compensation is sought, are filed with the register of the court.

SECTION 250. Said chapter 221 is hereby further amended by inserting after section 62A under the caption MAGISTRATES IN THE TRIAL COURT the following two sections:-

Section 62B. Clerks of court for the several counties, the clerk of the superior court for criminal business in Suffolk county, the clerk of the superior court for civil business in Suffolk county, clerks of the housing courts, registers of the probate courts, clerks of district courts, clerks of juvenile courts, and clerks of the municipal court of the city of Boston; shall hereafter also have the title of magistrate for their particular department, or division as the case may be, of the trial court.

Magistrates herein provided shall continue to have and exercise all the powers, duties and responsibilities of clerks and registers and shall also have those provided for in section sixty-two C.

An assistant clerk, temporary clerk, temporary assistant clerk, or assistant register, shall also have and exercise the powers, duties and responsibilities of magistrate, subject to specific authorization by the clerk, or register, and specific approval of such authorization by the first justice of the division wherein he serves, or in the case of the superior court department or Boston municipal court department by the administrative justice therefor. Said first justice or administrative justice may place such restrictions on such authorization as is conducive to the effective administration of justice.

Section 62C. A magistrate designated under the previous section, in addition to his powers and duties as clerk, may:

- (a) grant such continuances as are agreed upon by all parties to any proceeding and as may be allowed by rule of court;
- (b) hear and rule on any uncontested non-evidentiary motion

as may be allowed by rule of court;

(c) call such pre-trial conferences as are deemed expedient for the purpose of ascertaining the trial readiness of parties to an action and of establishing a date for trial;

(d) mediate actions under section twenty-two of chapter two hundred and eighteen;

(e) receive citations and hear complaints pursuant to section twenty F of chapter ninety;

(f) receive petitions and review orders pursuant to section one hundred and fifty-seven of chapter one hundred and forty;

(g) hold preliminary hearings to determine whether there is probable cause to believe that a probationer has violated the terms of his probation.

The powers of magistrates as provided herein shall be exercised as allowed by rule of court promulgated by the administrative justice of the appropriate department and approved by the supreme judicial court.

SECTION 251. Said chapter 221 is hereby further amended by striking out section 66, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 66. The commonwealth shall provide a safe and convenient place in Boston where the reporter shall keep the written opinions of the court in all law cases argued in the several counties until their publication in the reports, and his dockets and copies of papers in such cases, and where he shall afford due facilities for their examination.

SECTION 252. Said chapter 221 is hereby further amended by striking out sections 69, 70, 71, 71A, 72 and 73 and inserting in place thereof the following seven sections:-

Section 69. Not more than four deputy sheriffs or court officers shall receive compensation for attendance upon any civil sitting of the supreme judicial court or a sitting of the superior court for civil business or for both civil and criminal business unless in the supreme judicial court the presiding justice and in the superior court the presiding justice or the district attorney in writing request the chief administrative justice to procure the attendance for the whole or a portion of such sitting of an additional number. Not more than six deputy sheriffs, court officers or constables shall receive compensation for attendance upon any criminal sitting of the superior court for criminal business unless the district attorney in writing requests the chief administrative justice to procure the attendance for the whole or a portion of such sitting of an additional number. Not more than eight deputy sherrifs or court officers shall receive compensation for attendance upon any sitting of the appeals court unless the presiding justice in writing requests the chief administrative justice to procure the attendance for a whole or a portion of such sitting of an additional number.

The chief administrative justice shall appoint the court officers for attendance upon the sessions of the supreme judicial court and the appeals court.

Section 70. The chief administrative justice may appoint

officers for attendance upon the several sessions of the superior court in the respective counties, as follows:

For Suffolk, not exceeding four for each session for civil business held with juries; three for each session held without juries; six for the session for criminal business; and eight for use as may be necessary; said officers shall be interchanged between the several sessions so as to secure as nearly as may be equal service for all.

For Bristol, four for civil and criminal business, and one for civil business only, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Hampden, ten for civil and criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Middlesex, not exceeding four for each session for civil business held with juries; three for each session held without juries, and six for the session for criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Norfolk, nine for civil and criminal business, who shall, when required by the chief administrative justice attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

For Worcester, for civil or criminal business, such number as may be necessary, who shall also attend upon the sessions of the supreme judicial, appeals, probate and insolvency and land court.

Each of said officers shall give to the chief administrative justice a bond with sufficient sureties, in the sum of fifteen hundred dollars, for the faithful performance of his duties. They shall have authority of constables to serve venires for jurors and the processes of said courts, and in Worcester county to summon witnesses; and they shall be paid by the commonwealth their actual expenses necessarily incurred in making such services.

Section 71. The chief administrative justice shall designate a court officer to act as chief deputy sheriff for attendance on each superior court in Suffolk, Middlesex, and Hampden counties and one such court officer shall be designated to act as chief deputy sheriff for attendance on the appeals court in Suffolk county. In Hampden, Norfolk and Worcester counties the chief administrative justice may designate one court officer as chief court officer for attendance on the supreme judicial and superior courts. Such officers, under the orders of the chief administrative justice, in addition to their regular duties as court officers, shall supervise, direct and assign the officers of their respective courts.

Section 71A. The chief administrative justice may designate three of the court officers of the superior court to act as assistant chief court officers for attendance on the superior court in Suffolk county. Such officers, in addition to their regular

duties as court officers, shall perform such other duties as from time to time may be prescribed by the chief administrative justice. The chief administrative justice may designate one of the court officers of the appeals court to act as assistant chief court officer for attendance on the appeals court in Suffolk county.

Section 72. Officers appointed as court officers to attend upon the sessions of the supreme judicial, appeals or superior court in any county, including chief deputies, assistant chief deputies and all chief court officers designated under section seventy-one, shall hold office during good behavior but not beyond age seventy years and until they are removed by the chief administrative justice, for cause. In Suffolk county, officers in attendance upon the supreme judicial court or upon the superior court may be interchanged or transferred from any of said courts to another by the chief administrative justice, with the approval in each instance, of the chief justice or the administrative justice of the court to which the transfer is proposed to be made.

Section 73. The officer in attendance upon the land court in Suffolk County shall receive from the commonwealth in full for all services performed by him such salary as shall be fixed by the judges of said court. Each officer in attendance upon the probate court in said county shall receive in full for all services performed by him such salary as shall be fixed by the judges of said court.

Section 73A. Each officer in attendance upon the supreme judicial court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the supreme judicial court, which salary shall be paid by the commonwealth. Each officer in attendance upon the appeals court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the appeals court. Said salary shall be paid by the commonwealth.

SECTION 253. Said chapter 221 of the General Laws is hereby amended by striking out sections 75 to 80, inclusive, and inserting in place thereof the following seven sections:-

Section 75. The compensation of deputy sheriffs not on salary and of constables for attendance upon the supreme judicial, appeals, superior or probate court shall be paid by the commonwealth. The compensation of deputy sheriffs not on salary and of constables for attendance upon the sessions of the county commissioners, shall be paid by the respective counties.

Section 76. The administrative assistant to the justices of the supreme judicial court in Suffolk county shall be appointed by the justices of said court. Said administrative assistant shall be paid by the commonwealth such sum as shall be determined by the justices of said court. The messenger to the justices of the appeals court shall be appointed by the justices of said court and shall also act as clerical assistant of said justices. His salary shall be established by the justices of said court. The messenger of the superior court in said county shall be appointed

by the justices of said court and shall also act as clerical assistant of the justices of said court. His salary shall be established by the justices of said court and shall be paid by the commonwealth.

Section 76A. The justices of the superior court may appoint an assistant messenger of said court sitting in and for the county of Suffolk. His salary shall be established by said justices and shall be paid by the commonwealth.

Section 77. Premiums on bonds of court officers and deputy sheriffs in attendance on the supreme judicial, appeals or superior court in Suffolk county and on the courts in Bristol, Hampden, Middlesex, Norfolk, and Worcester counties shall be paid by the commonwealth.

Section 78. Any officer in attendance upon the supreme judicial court in Suffolk county under section seventy-three, including the messenger of the justices of said court, may be designated by the justices to serve venires for jurors and the processes of said court, and when so designated shall have the authority of constables for said purposes, and shall be paid by the commonwealth his actual expenses necessarily incurred in making such services. He shall first give to the commonwealth a bond with sufficient sureties in the sum of fifteen hundred dollars for the faithful performance of his duties.

Section 79. Officers in attendance upon the sessions of the superior court for criminal business in Suffolk county and the officers appointed for attendance on the sessions of the superior court for civil or criminal business in Worcester county shall summon witnesses on behalf of the commonwealth from any part of the commonwealth, but shall receive therefor no compensation in addition to their salaries except for expenses actually incurred and paid.

Section 80. Court officers receiving stated salaries and deputy sheriffs in attendance upon the supreme judicial, appeals or superior court in Suffolk, Middlesex, Bristol, Norfolk, Hampden and Worcester counties shall, while on duty in said courts, wear uniforms which shall be designated by the chief administrative justice and which shall be furnished at the expense of the commonwealth.

SECTION 254. Said chapter 221 is hereby further amended by striking out section 88, as most recently amended by chapter 261 of the acts of 1969, and inserting in place thereof the following section:-

Section 88. Upon request of the presiding justice or any party, the stenographer shall furnish a transcript of his notes, or any part thereof, taken at a trial or hearing, for which he shall be paid by the party requesting it at the rate of fifty cents a hundred words for one copy, and twenty cents a hundred words for each additional copy if more than one copy is ordered at the same time. In the event that daily copy is ordered by the presiding justice or any party, the rate for the original copy shall be seventy-five cents a hundred words and thirty cents a hundred words for each additional copy. If transcript is ordered

by the presiding justice or, in a criminal case, by the district attorney, payment therefor at the same rate shall be made by the commonwealth upon a voucher approved by him, and, in a criminal case, the charges of transcripts furnished to said justice and to the district attorney shall be taxed like other expenses.

SECTION 255. Said chapter 221 is hereby further amended by striking out sections 90A and 91 and inserting in place thereof the following two sections:-

Section 90A. When a salaried official stenographer renders service in a county other than the one for which he is appointed, the justice shall allow him his reasonable and actual expenses for transportation, food and lodging, to be paid by the commonwealth. At the conclusion of his assignment he shall send a statement of the dates when he rendered service in such county, attested by the clerk of the court, to the state treasurer.

Section 91. Official stenographers, and all additional and temporary stenographers, appointed by the justices of the superior court shall receive salaries which shall be established from time to time by said justices which shall be paid by the commonwealth. Such official stenographers and additional and temporary stenographers shall receive such reasonable and actual expenses for travel, food and lodging as the administrative justice may allow.

SECTION 256. Said chapter 221 is hereby further amended by striking out sections 92 to 93, inclusive, and inserting in place thereof the following three sections:-

Section 92. The justices of the superior court may appoint such official interpreters as they may deem necessary for the sessions of the court. Such interpreters shall hold their positions at the pleasure of the court, shall be paid by the commonwealth, and shall render such additional service as any justice of the court requires. No official interpreter shall request or receive, directly or indirectly, any gratuity, bonus or fee, in connection with any case pending, or in course of preparation for presentation to said court; provided, that upon request of the district attorney such interpreter may, in the discretion of the court, receive additional compensation from the county for his services as an interpreter at such hours or times as the courts are not in session, which shall be paid under section twenty-four of chapter twelve.

This section shall not prevent the justices from employing other interpreters when the services of the official interpreters are not available. Such expenses incurred shall be paid by the commonwealth.

Section 92A. In any proceeding in any court in which a deaf person is a party or a witness, the court shall appoint a qualified interpreter to interpret the proceedings for such person, unless such person waives, in writing, the appointment of such interpreter. For the purposes of this section, a person shall be deemed to be deaf if he has a handicap which prevents him from hearing effectively. The court shall determine a reasonable fee, not to exceed ten dollars per hour in court for the services of such

interpreter who shall be paid by the commonwealth.

Section 93. The clerk of the supreme judicial court for the commonwealth shall receive as a salary a sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court. The assistant clerk of the supreme judicial court for the commonwealth shall receive as a salary a sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court. The clerk of the supreme judicial court for the commonwealth may employ necessary clerical assistance and may expend for said purpose such sums as may be appropriated therefore, subject, however, to the approval of the chief justice.

Said clerk and assistant clerk shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 257. Said chapter 221 is hereby further amended by striking out section 94, as most recently amended by section 1 of chapter 423 of the acts of 1977, and inserting in place thereof the following section:-

Section 94. Except as provided in section ninety-three, and except as otherwise provided, the salaries of the clerks of the courts and their assistants and the clerk of the supreme judicial court for Suffolk county and his assistants, the clerk of the superior court department for criminal business in Suffolk county and his assistants, the clerk of the superior court department for civil business in Suffolk county and his assistants shall be paid by the commonwealth, and shall be as follows:

SUPREME JUDICIAL COURT FOR
SUFFOLK COUNTY

Clerk. - A sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court.

First Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Second Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Third Assistant Clerk. - A sum equivalent to sixty per cent of the salary of an associate justice of the supreme judicial court.

SUPERIOR COURT DEPARTMENT FOR CRIMINAL
BUSINESS IN THE COUNTY OF SUFFOLK

Clerk. - Thirty thousand and five hundred dollars.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS
IN THE COUNTY OF SUFFOLK

Clerk. - Thirty thousand and five hundred dollars. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of causes from any other county. He shall receive as salary therefor an amount equal to ten per cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

Assistant Clerk (so designated by the clerk, in addition to such other duties as the clerk may assign, to assist said clerk in the performance of the duties of said clerk pertaining to proceedings in which equitable relief is sought when court is sitting in Boston for the hearing of causes from any other county) - A sum equivalent to eighty per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

In all other counties, the salaries of the clerks of the courts shall be as follows:

Middlesex - Thirty thousand and five hundred dollars.

Essex - Twenty-nine thousand one hundred and one dollars.

Worcester - Twenty-nine thousand one hundred and one dollars.

Norfolk - Twenty-nine thousand one hundred and one dollars.

Hampden - Twenty-eight thousand one hundred and ninety-eight dollars.

Bristol - Twenty-eight thousand one hundred and ninety-eight dollars.

Plymouth - Twenty-seven thousand nine hundred and ninety dollars.

Berkshire - Twenty-three thousand six hundred and forty-six dollars and fifty cents.

Hampshire - Twenty-three thousand six hundred and forty-six dollars and fifty cents.

Barnstable - Twenty-two thousand four hundred and seventy-eight dollars and fifty cents.

Franklin - Twenty-two thousand four hundred and seventy-eight dollars and fifty cents.

Dukes - Fifteen thousand dollars.

Nantucket - Fifteen thousand dollars.

Assistant clerks in such other counties shall receive salaries as follows:

Middlesex - First assistant clerk; eighty-seven and one-half per cent of the salary of the clerk.

- Second assistant clerk; eighty-five per cent of the salary of the clerk.

Hampden - First assistant clerk; eighty-two per cent of the salary of the clerk.

Bristol - First assistant clerk; eighty-two per cent of the salary of the clerk.

Plymouth - First assistant clerk; eighty-two per cent of the salary of the clerk.

Barnstable - First assistant clerk; eighty-five per cent of the salary of the clerk.

Franklin - First assistant clerk; eighty-five per cent of the salary of the clerk.

In all other counties, except Suffolk, the first assistant clerk shall receive as a salary a sum equivalent to eighty-seven and one-half per cent of the salary of the clerk; and, except as otherwise provided herein, all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk.

SECTION 258. Said chapter 221 is hereby further amended by striking out section 94, as most recently amended by section 257 of this act, and inserting in place thereof the following section:-

Section 94. Except as provided in section ninety-three and except as otherwise provided, the salaries of the clerks of the courts and their assistants and the clerk of the supreme judicial court for Suffolk county and his assistants, the clerk of the superior court department for criminal business in Suffolk county and his assistants, the clerk of the superior court department for civil business in Suffolk county and his assistants shall be paid by the commonwealth, and shall be as follows:

SUPREME JUDICIAL COURT FOR
SUFFOLK COUNTY

Clerk. - A sum equivalent to seventy-five per cent of the salary of an associate justice of the supreme judicial court.

First Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Second Assistant Clerk. - A sum equivalent to seventy per cent of the salary of an associate justice of the supreme judicial court.

Third Assistant Clerk. - A sum equivalent to sixty per cent of the salary of an associate justice of the supreme judicial court.

SUPERIOR COURT DEPARTMENT FOR
CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK

Clerk. - Thirty-three thousand dollars.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS
IN THE COUNTY OF SUFFOLK

Clerk. - Thirty-three thousand dollars. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of causes from any other county. He shall receive as salary therefor an amount equal to ten per

cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-seven and one-half per cent of the salary of the clerk.

Second Assistant Clerk (so designated by the clerk). - A sum equivalent to eighty-five per cent of the salary of the clerk.

Assistant clerk (so designated by the clerk, in addition to such other duties as the clerk may assign, to assist said clerk in the performance of the duties of said clerk pertaining to proceedings in which equitable relief is sought when court is sitting in Boston for the hearing of causes from any other county) - A sum equivalent to eighty per cent of the salary of the clerk.

All other Assistant Clerks. - A sum equivalent to seventy-five per cent of the salary of the clerk.

In all other counties, the salaries of the clerks of the courts shall be as follows:

Middlesex - Thirty-three thousand dollars.

Essex - Thirty-two thousand dollars.

Worcester - Thirty-two thousand dollars.

Norfolk - Thirty-two thousand dollars.

Hampden - Thirty-two thousand dollars.

Bristol - Thirty-two thousand dollars.

Plymouth - Thirty-two thousand dollars.

Berkshire - Twenty-six thousand dollars.

Hampshire - Twenty-six thousand dollars.

Barnstable - Twenty-six thousand dollars.

Franklin - Twenty-six thousand dollars.

Dukes - Fifteen thousand seven hundred and fifty dollars.

Nantucket - Fifteen thousand seven hundred and fifty dollars.

Assistant clerks in such other counties shall receive salaries as follows:

Middlesex - First assistant clerk; eighty-seven and one-half per cent of the salary of the clerk.

- Second assistant clerk; eighty-five per cent of the salary of the clerk.

Hampden - First assistant clerk; eighty-two per cent of the salary of the clerk.

Bristol - First assistant clerk; eighty-two per cent of the salary of the clerk.

Plymouth - First assistant clerk; eighty-two per cent of the salary of the clerk.

Barnstable - First assistant clerk; eighty-five per cent of the salary of the clerk.

Franklin - First assistant clerk; eighty-five per cent of the salary of the clerk.

In all other counties, except Suffolk, the first assistant clerk shall receive as a salary a sum equivalent to eighty-seven and one-half per cent of the salary of the clerk; and, except as otherwise provided herein, all other assistant clerks shall receive as a salary a sum equivalent to seventy-five per cent of the salary of the clerk.

SECTION 259. Said chapter 221 is hereby amended by striking out section 99, as appearing in the Tercentenary Edition, and

inserting in place thereof the following section:-

Section 99. Clerks and assistant clerks of courts shall receive from the commonwealth their traveling expenses necessarily incurred when holding sessions of said courts outside of the cities or towns in which the clerks' offices are established and any expenses actually incurred in transporting official papers between clerks' offices for court purposes, upon an itemized statement of such expenses being certified to, and approved by, the administrative justice for the superior court department.

SECTION 260. Said chapter 221 is hereby further amended by striking out section 100, as so appearing, and inserting in place thereof the following section:-

Section 100. Each temporary clerk shall be paid by the clerk for whom he is acting such compensation as the court appointing him may determine. Each temporary assistant clerk appointed under section nine shall receive from the commonwealth the same salary as the assistant clerk for whom he is acting, and the amount so paid shall be deducted from the salary of such assistant clerk.

SECTION 261. Said chapter 221 is hereby further amended by striking out section 102, as so appearing, and inserting in place thereof the following section:-

Section 102. The clerks of the courts in the several counties, the clerks of the supreme judicial court for Suffolk county and the clerks of the superior court for said county shall each be annually allowed for clerical assistance, to be paid by the commonwealth such amounts as shall be approved by the chief administrative justice of the trial court.

SECTION 262. Chapter 231 of the General Laws is hereby amended by striking out section 102C, as most recently amended by section 102A of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

Section 102C. The superior court may of its own motion or on the motion of a plaintiff or defendant, after determination by said court that if the plaintiff prevails, there is no reasonable likelihood that recovery will exceed seven thousand five hundred dollars, transfer for trial any civil action pending in said court to the court from which such action was previously removed, if any, or if such action was originally entered in the superior court, to any district court, including the municipal court of the city of Boston, in which it could have been brought under the provisions of section two of chapter two hundred and twenty-three.

Clerks of the superior court shall, when a case is so transferred, transmit the order of reference and the original papers in the action, or certified copies thereof, together with a copy of the docket entries, without charge to the clerk of the court to which such action was so transferred.

Such action shall, unless retransferred as hereinafter provided, be pending in the court to which it was transferred and shall be tried by a justice sitting in said court. The parties shall have

the benefits of and be subject to the district-municipal courts rules of civil procedure. Such action while pending in said court may be consolidated for trial with cross actions as provided in section two A of chapter two hundred and twenty-three. The justice shall file a written decision or finding with the clerk who shall forthwith notify the parties or counsel of record. Any party to the transferred action aggrieved by the finding or decision may as of right have the case retransferred for determination by the superior court and any party to an action consolidated for trial with the transferred action aggrieved by the finding or decision may as of right have his case transferred for determination by the superior court. The request for retransfer or transfer, as the case may be, shall be filed with the clerk of said district court within ten days after notice of the finding or decision. If either party neglects to appear at the time appointed for such trial, or at any adjournment thereof, without just cause, or if at any such time either party refuses to produce in good faith the testimony relied on by him, the justice may close the trial and order that judgment be entered for the adverse party and file a finding or decision to that effect, and if both so fail to appear he may order that the action be dismissed.

Upon the filing with the clerk of a request for retransfer, the decision or finding shall be forthwith transmitted, with any original papers received from the superior court and any original papers filed in the district court after transfer of the case by the superior court, to the clerk of the superior court of the county from which the case was referred. If a request for transfer is filed in an action consolidated for trial with the action transferred from the superior court, the finding or decision shall be forthwith submitted, with all original papers filed in the district court, to the clerk of the superior court of the county from which the transferred case was referred. The clerk of the superior court shall forthwith notify the parties or counsel of record of the receipt and filing of said finding or decision.

The action shall thereafter be tried in the superior court. The decision, and the amount of the damages assessed, if any, by a district court shall be prima facie evidence upon such matters as are put in issue by the pleadings, and no other findings of such court shall at any time be admissible as evidence or become part of the pleadings. A party shall be held to waive any right to jury trial previously claimed, unless within ten days after the filing of the finding or decision in the superior court he shall file a statement that he insists on a jury trial.

SECTION 263. Said chapter 231 is hereby further amended by striking out section 104, as most recently amended by section 104 of said chapter 377, and inserting in place thereof the following section:-

Section 104. Any other party, a plaintiff against whom a claim, counterclaim, or cross-claim is brought, and a defendant who asserts a compulsory counterclaim, may, provided that the amount of the claim against such other party, the amount of the claim, counterclaim or cross-claim brought against such plaintiff, or the amount of the compulsory counterclaim asserted by such defendant, as the case may be, exceeds seven thousand five

hundred dollars, file in the district court in which the action is pending a claim of trial by the superior court together with the sum of five dollars for the entry of the claim of each plaintiff in the superior court, and, except as provided in section one hundred and seven, a bond in the penal sum of one hundred dollars, with such surety or sureties as may be approved by the party or parties not asserting such claim of trial by the superior court or by the clerk or an assistant clerk of said district court, payable to the other party or parties, conditioned to satisfy any judgment for costs which may be entered against him in the superior court in said cause within thirty days after the entry thereof. Such claim of trial by the superior court must be filed no later than twenty-five days after service of the pleading which asserts the claim, counterclaim, or cross-claim on which the right to remove is based, provided, however, that in the case of a compulsory counterclaim, the party asserting such counterclaim must file such claim of trial by the superior court no later than five days after the expiration of the time allowed to assert such counterclaim. The clerk shall forthwith transmit the papers and entry fee to the clerk of the superior court and the same shall proceed as though then originally entered there.

Removal of a case under this section shall remove any default and vacate any judgment entered thereon for failure to plead or otherwise defend in the district court, excepting cases in which the ad damnum does not exceed seven thousand five hundred dollars. Cases in which no claims, counterclaims and cross-claims exceed seven thousand five hundred dollars and those in which rights of parties to remove for trial in the superior court as hereinabove provided are not properly exercised shall be tried in the district court. A party who would have been entitled to remove the case for trial in the superior court as hereinabove provided but for the fact that the amount of the claim, counterclaim, or cross-claim, as the case may be, does not exceed seven thousand five hundred dollars shall, if he desires trial by the superior court, file said entry fee and bond within ten days after notice of the decision or finding. Such filing shall have the same effect as a request for retransfer under section one hundred and two C, and the decision shall be transmitted to and the case tried in the superior court subject to the provisions of said section one hundred and two C applicable to retransferred cases.

SECTION 264. Section 108 of said chapter 231, as most recently amended by section 107B of said chapter 377, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

There shall be an appellate division of each district court for the rehearing of matters of law arising in civil cases therein and in claims for compensation of victims of violent crimes. Said division of the municipal court of the city of Boston shall consist of three justices appointed thereto, to be designated from time to time by the administrative justice therefor. The appellate division of each other district court shall be holden by justices for such other district courts, not exceeding three in number out of five justices assigned to the performance of such duty by the admini-

strative justice for the district courts, subject to the approval of the chief justice of the supreme judicial court, as follows: The administrative justice for the district courts shall assign five justices of district courts within the counties of Essex and Middlesex and that part of Suffolk included in the jurisdiction of the East Boston district court, the district court of Chelsea, the municipal court of the Charlestown district, the municipal court of the Brighton district, the municipal court of the Dorchester district, the municipal court of the Roxbury district, and the municipal court of the South Boston district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the northern appellate division district; shall assign five justices of district courts within the counties of Norfolk, Plymouth, Barnstable, Bristol, Dukes and Nantucket and that part of Suffolk included in the jurisdiction of the municipal court of the West Roxbury district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the southern appellate division district; and shall assign five justices of district courts within the counties of Worcester, Franklin, Hampshire, Hampden and Berkshire to act in the appellate divisions of district courts within those counties, which shall be known as the western appellate division district. Such assignment may be made for such period of time as such administrative justice may deem advisable. In each of the foregoing three districts one of the justices so assigned shall be designated by the administrative justice for the district courts, subject to the approval of the chief justice of the supreme judicial court as presiding justice, who shall from time to time designate those of the appellate justices who shall act on appeals in each district court in that district and direct the times and places of sittings. The presiding justice of any appellate division may call upon a justice of any other appellate division to serve in his division, and when so requested such justice shall serve therein. Two justices shall constitute a quorum to decide all matters in an appellate division.

A justice acting in the appellate division of a district court shall be allowed, in addition to his salary and necessary traveling expenses, incidental expenses and clerical assistance while so acting, which shall be paid by the commonwealth.

SECTION 265. The second paragraph of section 1 of chapter 234 of the General Laws is hereby amended by striking out, in lines 11 and 12, the words "; persons over seventy years of age", as appearing in section 1 of chapter 148 of the acts of 1969.

SECTION 266. Chapter 248 of the General Laws is hereby amended by striking out section 40, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 40. The fees for the service of process and notices and for summoning witnesses shall, upon the approval of the court or district attorney, be paid by the commonwealth if the petitioner is not able to pay them.

SECTION 267. The first paragraph of section 6 of chapter 258A of the General Laws, as appearing in section 1 of chapter 852 of the acts of 1967, is hereby amended by striking out, in lines 2 and 3, the words "chief justice of the district court and the chief justice of the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the district court department and the administrative justice for the Boston municipal court department, for their respective departments.

SECTION 268. Chapter 261 of the General Laws is hereby amended by striking out section 27B, as amended by chapter 142 of the acts of 1977, and inserting in place thereof the following section:-

Section 27B. Upon or after commencing or answering to any civil or criminal proceeding in the superior court, the land court or any probate, district, municipal, juvenile or housing court, including but not limited to civil actions, proceedings for divorce or separate support, summary and supplementary processes, and proceedings upon petitions to vacate, for review or for a writ of error in a criminal case, any party may file with the clerk or register, serving a copy upon all other parties, an affidavit of indigency and request for waiver, substitution or payment by the commonwealth of fees and costs, upon a form prescribed by the chief justice of the supreme judicial court and in accordance with the standards set forth in sections twenty-seven C to twenty-seven F, inclusive, and sworn to under oath by the affiant.

An indigent party may subsequently file one or more supplementary affidavits requesting the waiver, substitution or payment by the commonwealth of fees and costs not previously granted at any time before a finding of guilt or innocence or a final decree or judgment has been entered.

SECTION 269. Said chapter 261 is hereby further amended by striking out sections 27C to 27G, inclusive, as appearing in section 3 of chapter 694 of the acts of 1974, and inserting in place thereof the following five sections:-

Section 27C. (1) When an affidavit of indigency, or any supplement thereto, is filed, the clerk or register shall forthwith bring it to the attention of the court. If the affidavit appears regular and complete on its face and indicates that the affiant is indigent, the court, upon a finding of the facts alleged therein, may grant such request for waiver, substitution or payment, by the commonwealth, with or without hearing in the case of normal fees and costs, but shall grant such request only after hearing in the case of extra fees and costs. Before making a finding of indigency, the court shall consider the following facts with respect to the applicant as of the time of hearing, in the immediate past and with respect to the immediate future: his age, education, training, physical and mental ability and number of dependents; gross and net income; regular and extraordinary expense, if any; assets and liabilities; whether or not he is a recipient of public assistance and for what purpose; and any other facts which are relevant to the applicant's ability to pay court costs.

If the court makes a finding of indigency, it shall not deny any request with respect to normal fees and costs, and it shall not deny any request with respect to extra fees and costs if it finds the document, service or object is reasonably necessary to assure the applicant as effective a prosecution or defense as he would have if he were financially able to pay. The court shall not deny any request without first holding a hearing thereon; and if there is an appeal pursuant to section twenty-seven D following a denial, the court shall set forth its written findings and reasons justifying such denial, which document shall be part of the record on appeal.

(2) The clerk of each court shall conspicuously post in the part of his office open to the public a notice specifying the indigency limits currently in force, and informing the public in plain language of the availability of waiver, substitution or payment by the commonwealth of fees and costs for indigent persons.

Section 27D. In any case where the court denies a request for waiver, substitution or payment by the commonwealth of fees and costs, the applicant make take an appeal as hereinafter provided. If the matter arises in the superior court, the land court or in a probate court, the appeal shall be to the single justice of the appeals court at the next sitting thereof; and if the matter arises in any district, municipal, juvenile or housing court, the appeal shall be to the superior court then sitting in the same county, if any, or, if not, to the superior court sitting in the nearest county or in Suffolk county. Upon being notified of the denial the applicant shall also be advised of his right of appeal, and he shall have seven days thereafter to file a notice of appeal with the clerk or register. Upon receipt of notice of appeal timely filed with the clerk or register shall forthwith notify the judge or justice, who shall set forth his written findings and reasons as provided in paragraph (1) of section twenty-seven C. The clerk or register shall then forward the affidavit and request, the court's findings and reasons for denial and any other documents on file relevant to the appeal, to the clerk of the court hearing the appeal, who, upon receipt thereof, shall set the matter down for speedy hearing and send notice to the parties. The court denying the request may, with or without motion, stay proceedings pending appeal; and the court hearing the appeal may enter or revoke such a stay. The decision of the court hearing the appeal shall be final with respect to such request.

Section 27E. Any party on whose behalf any fees or costs have been waived or paid by the commonwealth pursuant to sections twenty-seven C or twenty-seven F, or both, shall repay the total amount thereof to the clerk or register of the court if said party shall have recovered, as a result of the proceeding in which said fees or costs were waived or paid, an amount in excess of three times the total amount of said fees and costs. In any case in which any fees or costs have been so waived or paid, the court, upon the waiver or payment of any such fees or costs shall notify all parties of the total amount of said fees and costs to date and that any money judgement or settlement in

favor of the party for whom said fees or costs were waived or paid which exceeds three times the total amount thereof shall be deposited with the clerk or register of the court in the following manner. Any party obligated to pay any judgement or settlement exceeding three times the total amount of said fees and costs, or any portion of such a judgement or settlement, shall pay to the clerk or register the total amount of said fees or costs, or if more than one party is so obligated, his proportional share thereof, and deduct the same from such judgement or settlement. The clerk or register shall notify all parties when the total amount of fees and costs has been so reimbursed. When said notification is received by the party obligated to pay such judgement or settlement or portion thereof, or if no such notification is received after the expiration of thirty days after the payment by said party of such fees or costs or his share thereof, said party shall promptly forward the remainder of the judgement or settlement to the party entitled to it. This procedure shall not be construed to excuse any person on whose behalf any fees or costs have been waived or paid from the obligation to repay the same as provided in this section.

Section 27F. The court may, upon its own motion or that of any party, order that the document, service or object for which a normal or extra fee or cost would be charged shall be provided by an alternative means at lower or no cost, if the substitute thereby provided is substantially equivalent and the provision thereof does not materially impair the rights of any party. In any such order the court may direct payment by the commonwealth of the cost of any substitute to the same extent that the court would but for this section have ordered payment by the commonwealth for the document, service or object in question.

Section 27G. The clerk shall receive from any indigent party or his attorney all bills and vouchers for any document service or object rendered to said party for which an order for payment by the commonwealth has been issued, and shall transmit said bills and vouchers and an attested copy of said order to the state treasurer.

The state treasurer shall keep a record of all payments or waivers made pursuant to this section and of all repayments made pursuant to section twenty-seven E, including therein the name of the party, his attorney if any, the names and addresses of the person or persons to whom payment is made, the dates each was rendered to the party and the charge for each, and the dates payment was made by the state treasurer. This record shall be a public record.

The state treasurer shall on or before December first of each year make a written report to the general court indicating the amounts and purposes of all expenditures under sections twenty-seven A to twenty-seven G, inclusive, and making such recommendations for change in the law as he deems necessary.

SECTION 270. Chapter 262 of the General Laws is hereby amended by striking out section 3, as amended by section 2 of chapter 343 of the acts of 1961, and inserting in place thereof the following section:-

Section 3. A special justice, when not holding court shall be paid by the commonwealth two dollars for each summons or process issued by him, and for each application for a warrant entertained by him.

SECTION 271. Said chapter 262 is hereby further amended by striking out section 25, as most recently amended by section 9 of chapter 415 of the acts of 1977, and inserting in place thereof the following section:-

Section 25. The compensation of traverse jurors impanelled to try cases of murder in the first degree shall be sixteen dollars, and that of all other traverse jurors and of grand jurors fourteen dollars, for each day's service; provided, however, that jurors held under restraint by order of the court shall, in cases of murder in the first degree, receive twenty-two dollars and, in all other cases, twenty dollars for each day's service while under restraint. All jurors shall receive for each day of actual attendance eight cents a mile for travel out and home, but not for such time as the jury is held under restraint, by order of the court, at the expense of the commonwealth. If the expense of a juror who attends court, necessarily and actually incurred for transportation out and home once in each day, exceeds the amount of the said allowance for travel, he shall be allowed the amount of such expense in lieu of the said travel allowance. If a grand or traverse juror is required to be in attendance for five or more consecutive days he shall receive his fees not later than the end of every fifth day of such attendance.

SECTION 272. Said chapter 262 is hereby further amended by striking out section 26, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 26. Officers who serve subpoenas or other processes in connection with inquests held by district courts shall be paid their fees and expenses by the commonwealth as in criminal cases, in the same manner as the fees of witnesses are paid in criminal cases in said courts.

SECTION 273. Said chapter 262 is hereby further amended by striking out section 32, as amended by chapter 280 of the acts of 1935, and inserting in place thereof the following section:-

Section 32. District courts may allow reasonable compensation to interpreters for service rendered and to witnesses from without the commonwealth in criminal proceedings before them, which shall be paid by the commonwealth in the same manner as witness fees, and shall allow interpreters ordered by them to attend such proceedings before them but not called upon for service the sum of one dollar for each day of such attendance, which shall be paid in the manner aforesaid.

SECTION 274. Said chapter 262 is hereby further amended by striking out section 50, as amended by section 4 of chapter 48 of the acts of 1958, and inserting in place thereof the following section:-

Section 50. No officer in attendance on any court, sheriff, deputy sheriff, jailer, constable, city marshal or other police

officer who receives a salary or an allowance by the day or hour from the commonwealth or from a county, city or town shall, except as otherwise hereinafter provided, be paid any fee or extra compensation for official services performed by him in any criminal case; or for aid rendered to another officer; or for testifying as a witness in a criminal case during the time for which he receives such salary or allowance; or for services or as a witness at an autopsy or inquest; or in proceedings for commitment of insane persons; but his expenses, necessarily and actually, incurred, and actually disbursed by him in a criminal case shall be paid by the commonwealth. Whoever receives extra compensation or a witness fee in violation of this section shall be punished by a fine of not more than one hundred dollars.

SECTION 275. Said chapter 262 is hereby further amended by striking out section 51, as most recently amended by section 5 of said chapter 48, and inserting in place thereof the following section:-

Section 51. The fees and expenses of officers, other than those named in section fifty, in a criminal case, shall be paid by the commonwealth.

SECTION 276. Section fifty-two of said chapter two hundred and sixty-two is hereby repealed.

SECTION 277. said chapter 262 is hereby further amended by striking out section 62, as most recently amended by section 12 of said chapter 48, and inserting in place thereof the following section:-

Section 62. Whoever, with intent to defraud, signs or procures to be signed a certificate of attendance or travel as a witness before a court, or reference founded upon a rule of court, in any case in which the witness did not so attend, or for a greater number of days than he actually attended, or for a greater number of miles than he actually traveled, upon which certificate the attendance or travel so claimed is allowed as a part of the expenses of prosecution, shall forfeit thirty dollars for each offence, to be recovered on complaint or indictment to the use of the commonwealth or by action or tort to the use of any person against whom such excessive costs were taxed, with four times the whole amount taxed for attendance or travel on such false certificate, and double costs in the action of tort. Such complaint, indictment or action shall be commenced within two years after the offence is committed.

SECTION 278. Chapter 266 of the General Laws is hereby amended by striking out section 135, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

Section 135. Whoever moors or in any manner makes fast a vessel, scow, boat or raft to a buoy, beacon or floating guide placed by the government of the United States in the navigable waters of the commonwealth shall be punished by a fine of not more than fifty dollars; and whoever wilfully destroys, injures or removes any such beacon or guide shall be punished by a

fine of not more than one hundred dollars or by imprisonment for not more than three months. One third of all fines which accrue under this section shall be paid to the complainant and two-thirds to the commonwealth.

SECTION 279. The fourth paragraph of section 16A of chapter 270 of the General Laws, as amended by chapter 1107 of the acts of 1973, is hereby further amended by striking out, in lines 2 to 5, inclusive, the words "chief justice of the municipal court of the city of Boston may prescribe for said court, and as the chief justice of the district courts may prescribe for district courts other than the municipal court of the city of Boston" and inserting in place thereof the words:- administrative justice for the district court department and the administrative justice for the Boston municipal court department may prescribe for their respective departments.

SECTION 280. Section 9 of chapter 275 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 281. Section 10 of said chapter 275, as so appearing, is hereby amended by striking out, in line 1, the words "superior court" and inserting in place thereof the words:- justice sitting in the jury session.

SECTION 282. Section 11 of said chapter 275, as so appearing, is hereby amended by striking out, in line 5, the words "superior court" and inserting in place thereof the words:- justice in the jury session.

SECTION 283. Section 13 of said chapter 275, as so appearing, is hereby amended by striking out, in line 2, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 284. Chapter 276 of the General Laws is hereby amended by striking out section 20M, as appearing in section 1 of chapter 304 of the acts of 1937, and inserting in place thereof the following section:-

Section 20M. If the application for a requisition for the return to this commonwealth of a person charged with crime herein, or for the return of a person who has been convicted of a crime herein and has escaped from confinement or has broken the terms of his bail, probation or parole, is complied with and an agent appointed, the account of such agent shall be paid like other expenses in criminal cases by the commonwealth.

SECTION 285. Said chapter 276 is hereby further amended by striking out section 37A, as amended by section 23 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 37A. If a person is brought before a district court for examination upon charge of a capital crime and does not waive examination, the superior court may assign counsel upon his petition and upon certification of the charge to the superior court by the clerk of the district court. The examination shall

thereupon be continued until the assignment of counsel has been made, and certification thereof received by the clerk of the district court, or until the petition for assignment of counsel has been otherwise disposed of. The superior court may allow reasonable compensation for the services at the examination in the district court, of counsel assigned to appear for the accused, if he is otherwise unable to procure counsel, and such compensation shall be paid by the commonwealth.

SECTION 286. Section 58 of said chapter 276, as most recently amended by section 1 of chapter 473 of the acts of 1971, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

The administrative justice of the district courts and the administrative justice of the municipal court of the city of Boston shall prescribe forms for use in their respective courts, for the purpose of notifying a defendant of his right to file a petition for review in the superior court, forms for a petition for review and forms for the implementation of any other procedural requirements. The clerk of courts shall forthwith notify the district court of all orders or judgments of the superior court on petitions for review. Costs or expenses of services and transportation under this section shall be ordered paid in the amount determined by the superior court out of the state treasury.

SECTION 287. Section 65 of said chapter 276, as most recently amended by section 2 of said chapter 473, is hereby further amended by striking out, in line 12, the words "superior court" and inserting in place thereof the words:- jury session.

SECTION 288. Said chapter 276 is hereby further amended by striking out section 78, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 78. If the court finds that a part of the judgment has been actually paid to or for the commonwealth upon the recognizance or judgment and orders the judgment to be reversed or entered for a less amount than has been so actually paid, it may order the amount of the difference between the payment and the new judgment to be repaid to the person who made the payment or to his legal representatives. The state treasurer shall, upon presentation of a copy of the order certified by the clerk of the court, make said repayment. If, upon such petition, the review is not granted or the original judgment is not altered, the court may award reasonable costs against the petitioner.

SECTION 289. Said chapter 276 is hereby further amended by striking out section 80, as amended by section 27 of chapter 313 of the acts of 1959, and inserting in place thereof the following section:-

Section 80. At any time after default of the defendant, the court may order forfeited the money, bonds or bank books deposited at the time of the recognizance and the court or clerk of the court with whom the deposit was made shall thereupon pay to the state treasurer any money so deposited. The clerk of the court shall immediately proceed to sell any bonds so deposited either at public or private sale, and shall forthwith pay the

proceeds thereof, after deducting all expenses connected with such sale, to the state treasurer and if banks books are so deposited, the said clerk shall collect the amount of bail from the depository, and pay the same, less the expense of collection, to the state treasurer.

SECTION 290. Said chapter 276 is hereby further amended by striking out section 83, as most recently amended by section 22 of chapter 731 of the acts of 1972, and inserting in place thereof the following section:-

Section 83. The superior court, the justices of the probate court for each county, other than for Barnstable, Nantucket, Hampshire and Franklin counties and the county of Dukes County, the administrative justices of the municipal court of the city of Boston, subject to the approval of the associate justices thereof, and the justices of each other district court and of the Boston juvenile court, the Bristol county juvenile court, the Worcester juvenile court and the Springfield juvenile court may appoint such male and female probation officers as they may respectively from time to time deem necessary for their respective courts; provided, that the justice of the probate court of the counties of Barnstable county shall appoint probation officers to serve the probate courts of the counties of Barnstable and Nantucket and the county of Dukes County, and the justice of the probate court for Hampshire county shall appoint probation officers to serve the probate courts of the counties of Hampshire and Franklin; and provided further that any such appointment shall be reviewed by the chief administrative justice of the trial court for compliance with the standards promulgated under section eight of chapter two hundred and eleven B. If the chief administrative justice finds that any such appointment does not comply with said standards he shall rescind the appointment. There shall be appointed, in addition to the number of probation officers authorized for the municipal court of the Roxbury district for its adult sessions, three probation officers for the juvenile sessions of said municipal court. In a probation office of any court, other than the municipal court of the city of Boston, having two or more probation officers, one may be designated as chief probation officer; in any such probation office having five or more probation officers, for each five such officers, one may be designated as assistant chief probation officer; and in any such probation office having three or more assistant chief probation officers, one may be designated first assistant chief probation officer. The superior court shall designate one probation officer as supervisor of probation and one probation officer as assistant supervisor of probation for said court. In the municipal court of the city of Boston the administrative justice of said court, subject to the approval of the associate justices thereof, may designate such probation officers of said court as follows:- chief probation officer, first assistant chief probation officer, second assistant chief probation officer, two deputy probation officers and probation officer. The phrase "probation officer" as used in this section shall, unless the context otherwise requires, be construed to include chief probation officer, assistant chief probation officer, supervisor of probation, assistant supervisor

of probation, first assistant chief probation officer, second assistant chief probation officer and deputy probation officer.

In the superior court department, for such counties as have twenty or more probation officers, there shall be designated by the chief probation officer, from among said probation officers, an administrative assistant to said chief probation officer. Said administrative assistant shall, in addition to his regular duties, perform such other duties as said chief probation officer may determine, and shall receive such compensation as may be provided in section ninety-nine B, or in an applicable provision of a collective bargaining agreement, for probation officers in job group five, or its equivalent, except that such administrative assistant for Suffolk county shall receive such compensation as may be provided in section ninety-nine B or in an applicable collective bargaining agreement for probation officers in job group eight, or its equivalent.

The compensation of probation officers in all of the courts of the commonwealth shall be fixed according to schedules established in section ninety-nine B or in a provision of an applicable collective bargaining agreement. The compensation of each probation officer appointed by the superior court and by the justices of the probate court shall be paid by the commonwealth. The compensation of probation officers in district courts, in the municipal court of the city of Boston and in the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court shall be paid by the commonwealth on vouchers approved respectively by the justice of such district court, by the administrative justice of the municipal court of the city of Boston or by the respective justices of said juvenile courts.

A probation officer may be removed or demoted for cause by the justices of the court making the appointment; provided that no probation officer shall be removed, demoted or discharged from office by said justices unless such removal, demotion or discharge is authorized by the chief administrative justice after review for compliance with the standards promulgated under section eight of chapter two hundred and eleven B.

Effective as of July first, nineteen hundred and forty-nine, every person serving on said date as a probation officer, junior probation officer, senior probation officer, probation supervisor, or chief probation officer in a district court in Suffolk county, other than the municipal court of the city of Boston, or the Boston juvenile court shall, until designated as a chief probation officer or an assistant chief probation officer under this section, serve as a probation officer subject to the provisions of this section and for services rendered on and after said July first, nineteen hundred and forty-nine, shall be compensated as if the provisions of this section as now in force had been in force at, and continuously since, the time of his original appointment as a probation officer. Every such person shall be given such credit for years of similar service in allied fields as the administrative justice of the district courts may determine.

Effective as of July first, nineteen hundred and fifty-one, every person serving on said date as a probation officer, deputy probation officer, chief probation officer, first assistant chief

probation officer, second assistant chief probation officer in the municipal court of the city of Boston shall, until designated as a chief probation officer, first assistant chief probation officer, second assistant chief probation officer or deputy probation officer under this section, serve as a probation officer subject to the provisions of this section.

SECTION 291. Said chapter 276 is hereby further amended by striking out section 83A, as most recently amended by chapter 88 of the acts of 1969, and inserting in place thereof the following section:-

Section 83A. The administrative justice of the district courts shall designate, and from time to time redesignate, such district courts within each of the counties of the commonwealth as in the opinion of said administrative justice should join in the appointment of probation officer to act exclusively in juvenile cases in each such court, and the district courts so designated or redesignated shall thereupon join in the appointment of full-time probation officers to act as aforesaid; provided, that the foregoing provisions shall not apply to the municipal court of the city of Boston, nor to the Roxbury juvenile court, nor to the other district courts in the county of Suffolk. Each such probation officer shall be appointed by the justices of the courts so joining; provided, that if a majority of said justices fails to agree in the selection of a person for appointment of such probation officers within a period of thirty days after such designation or redesignation by said administrative justice such appointment shall be made by the chief administrative justice of the trial court and provided, further that any such appointment shall comply with the standards promulgated by the personnel standards committee. Each officer appointed under this section shall be removable for cause by the justices of the courts for which such appointment was made; provided, that no such officer shall be removed or discharged from office unless such removal or discharge shall be approved by the chief administrative justice of the trial court for compliance with standards promulgated by the personnel standards committee. Notwithstanding the foregoing provisions of this paragraph, the justice of any such district court, with the approval of the administrative justice of the district courts, may designate any probation officer in his court to act in juvenile cases in such court.

The compensation of probation officers appointed under this section shall be fixed according to a schedule established in section ninety-nine B. The justices of courts having probation officers appointed under this section shall annually, not later than the first Wednesday in December, submit to the administrative justices of their respective departments estimates of the amounts necessary to pay the compensation for the ensuing year of the probation officers appointed hereunder.

The provisions of law applicable to probation officers appointed under section eighty-three or section eighty-nine shall, so far as they may be pertinent and not inconsistent herewith apply to probation officers appointed hereunder. In any case in which he acts, a probation officer appointed hereunder shall be deemed to be a probation officer of the court in which the case is pending

and such court shall be deemed to be the court by which he is appointed.

The district courts so designated or redesignated in accordance with the provisions of this section, shall appoint not less than one male and one female probation officer to act as aforesaid. The judges of the courts so designated may require such female probation officer so appointed to perform such other duties in connection with adult female probation as are not inconsistent with her primary duties as probation officer in juvenile cases.

SECTION 292. Said chapter 276 is hereby further amended by striking out sections 88 to 89A, inclusive, and inserting in place thereof the following three sections:-

Section 88. Every court appointing probation officers may employ such clerical assistance as it deems necessary to keep, index and consolidate the records required to be kept by probation officers and for such other work in connection with its probation service as the court may determine. The compensation for such service, together with such other necessary expenses as the court shall incur in connection with such work, shall be paid by the commonwealth upon vouchers approved by said court.

The administrative justices for the district court and juvenile court departments, in consultation with the commissioner of probation, may designate and redesignate such divisions thereof, including in such term the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court, within each of the counties of the commonwealth as in the opinion of said administrative justices should join in the establishment of a probation district office for the clerical service of the probation officers of the divisions thereof so designated or redesignated and said divisions so designated or redesignated shall thereupon consult with the chief administrative justice of the trial court and the commissioner of probation as to the establishment of such a probation district office, and shall join in the employment of such clerical assistance as is necessary to keep, index and consolidate the records in such form as may be required by the commissioner of probation in connection with the probation service of the said courts. The compensation for such service, together with such other necessary expenses as the courts shall incur in connection with such work, shall be paid by the commonwealth upon vouchers approved by one of the justices of said courts, designated by said administrative justices.

Section 89. The superior court or the justice of a district court, including in such term the Worcester juvenile court, the Boston juvenile court, the Bristol county juvenile court and the Springfield juvenile court, may, in the case of a vacancy in the position of probation officer or in the absence of a probation officer, appoint a temporary probation officer, who shall have the powers and perform the duties of such probation officer and shall receive as compensation for each day's service an amount equal to the rate by the day of the minimum compensation of a regular probation officer according to the salary schedule established under section eight of chapter two hundred and eleven B.

Compensation so paid to a temporary probation officer for service rendered in the absence of a probation officer, in excess of thirty days in any one year, shall be deducted from the compensation of the probation officer in whose place such service is rendered; provided, however, that if a probation officer is absent, due to his illness or physical disability, for a period not exceeding thirty days in any year, in addition to said thirty days, he shall be deemed to be on sick leave and no such deduction shall be made. Such thirty days' sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event, not exceed ninety days in any consecutive three year period. If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or of a municipality, he shall not receive the salary of both offices or positions during the period of such temporary service.

The justices of a probate court for any county, except the county of Dukes County and the counties of Nantucket and Franklin, may, in the absence of a probation officer, appoint a temporary probation officer in the same manner and upon the same conditions, with the same powers and duties and the same rate of compensation as is provided in the first paragraph.

The justice of a district court, with the approval of the administrative justice of district courts, may, in the case of the death, removal, resignation or retirement of a probation officer, appoint a temporary probation officer for a single term not to exceed ninety days. Such temporary probation officer shall receive as compensation from the commonwealth an amount equal to that which would have been paid, for a like period of service, to a regular probation officer receiving the minimum compensation according to the salary schedule as established under section eight of chapter two hundred and eleven B. No temporary probation officer appointed under this section shall serve for more than ninety days unless his appointment to such temporary office has been approved by the chief administrative justice of the trial court upon recommendation of the commissioner of probation.

Section 89A. The superior court or the justice of a district court may appoint deputy probation officers who shall serve without compensation as counsellors to children under the age of seventeen who have been placed in the care of probation officers under section eighty-seven in order that such children may receive to a greater degree individual attention and guidance. Deputy probation officers shall perform their services under the direction of probation officers. Deputy probation officers may be reimbursed by the commonwealth upon voucher approved by the court to which they are assigned for necessary expenses incurred by them in the course of their duties.

The administrative justice of the district courts, in consultation with the commissioner of probation, may apply for and accept federal grants or assistance for the purpose of defraying the costs of additional clerical assistance, equipment, books, materials and other expenses incident to the services which such deputy probation officers perform.

SECTION 293. Said chapter 276 is hereby further amended by striking out sections 93 to 95, inclusive, and inserting in place thereof the following three sections:-

Section 93. Except as provided by section one of chapter two hundred and seventy-nine, money collected by a probation officer under order of the court by which he is appointed, if unclaimed after one year from the time of its collection, shall, upon further order of the court, be paid to the treasurer provided, that any part of the said money may be paid to persons establishing before the comptroller a lawful claim thereto within five years of its payment to said treasurer, unless sooner paid over by order of the said commissioners.

Section 94. The reasonable expenses, including supplies and equipment, incurred by probation officers of the superior court and the probate court in the performance of their duties shall be approved and apportioned by the court, and paid by the commonwealth. Such reasonable expenses shall include the traveling expenses necessarily incurred by such a probation officer in connection with attendance at sessions of said court outside of the town in which the principal office of such probation officer is maintained, such expenses to be computed from and to said town. Money to be used for the necessary expenses to be incurred by such a probation officer in going outside the commonwealth for the purpose of bringing back for surrender to the court a person who is on probation shall be advanced by the treasurer of the commonwealth, upon presentation of a certificate signed by the probation officer and approved by said court. After his return such probation officer shall account for such money by filing with said state treasurer itemized vouchers, duly sworn to, approved by the court, setting forth the necessary expenses so incurred and any unexpended balance of such money shall be paid to said state treasurer. Subject to section eighty-one of chapter two hundred and eighteen, probation officers of district courts and of the Boston, Worcester, Bristol county and Springfield juvenile courts shall be reimbursed by the commonwealth for their actual disbursements for necessary expenses incurred while in the performance of their duties, including their reasonable traveling expenses in attending conferences authorized by section ninety-nine, not exceeding four hundred dollars to each in any one year, upon vouchers approved by the court by which they are appointed.

Section 95. The superior courts or the Boston, Springfield, Bristol county and Worcester juvenile courts or a district court, except the municipal court of the city of Boston, may authorize a probation officer to expend such amount as the court considers expedient for the temporary support or transportation, or both, of a person placed on probation. A record of any amount so authorized shall be entered on the clerk's docket of the case.

The chief probation officer of the municipal court of the city of Boston may provide for the temporary support or transportation, or both, of a person placed on probation in said court, or for the relief of the immediate distress of such person, in any manner which he may deem proper, and for these purposes may

annually expend a sum not exceeding two thousand dollars for all such cases of relief. At the end of each month said chief probation officer shall submit to the administrative justice of said court a list of the expenses so incurred, with proper vouchers, and upon approval of the administrative justice the amount thereof shall be paid to the chief probation officer by the commonwealth.

SECTION 294. Said chapter 276 is hereby further amended by striking out sections 98 to 99A, inclusive, and inserting in place thereof the following three sections:-

Section 98. There shall be a commissioner of probation who shall have executive control and supervision of the probation service. He shall be appointed for a term of six years by the chief administrative justice. He shall be paid by the commonwealth a salary equal to step 7 of job group 31, as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended, and shall devote his full time during business hours to the duties of his office.

The commissioner of probation may appoint an administrative assistant. Said administrative assistant shall perform such duties as the commissioner may from time to time define and he shall be paid by the commonwealth a salary equal to step 7 of job group 26, as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended.

The commissioner, with the approval of the chief administrative justice shall appoint five deputy commissioners and may, with like approval, for cause, remove them. The commissioner may designate one deputy commissioner as first deputy commissioner. The first deputy commissioner shall be paid by the commonwealth a salary not to exceed step 7 of job group 30, and each other deputy commissioner shall be paid by the commonwealth a salary not to exceed step 7 of job group 29, both as set forth in section forty-six of chapter thirty, such as established by the commissioner with the approval of the chief administrative justice, as presently amended or as may from time to time be further amended, and each deputy commissioner shall devote his full time during business hours to the duties of his office.

The commissioner of probation shall appoint four supervisors of court probation services and one assistant supervisor of court probation services. The supervisors of court probation services and the supervisor of probation for the superior court shall be paid by the commonwealth a salary not to exceed step 7 of job group 28, and the assistant supervisor of court probation services and the assistant supervisor of probation for the superior court shall be paid by the commonwealth a salary not to exceed step 7 of job group 27, both as set forth in section forty-six of chapter thirty as presently amended or as may from time to time be further amended. Said positions shall not be subject to chapter thirty-one. Said supervisors and assistant supervisor of court probation services shall, in addition to other duties imposed upon them by said commissioner, be responsible for the evaluation of the probation service in each court in the commonwealth, for the recruitment, training, educational development and evaluation

of the work performance of probation officers. They shall plan, initiate and develop volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth and shall supervise and evaluate all programs within the probation service. Said commissioner may appoint a chief administrative clerk and two senior clerk typists to assist the supervisors of services in the performance of their duties.

The commissioner of probation shall be provided with suitable accommodations in the Suffolk county court house or elsewhere, and may, subject to appropriation, employ such assistance, as may be necessary for the performance of his duties including a director of research and other research assistance, and to compile, evaluate and make available for official use and public education the statistical information on delinquency, crime and appropriate family service matters available in his records.

Reasonable expenses for travel and subsistence while engaged in official business within or without the commonwealth shall be paid to the commissioner and deputy commissioners.

Section 99. In addition to other duties that may be imposed upon him, the commissioner of probation shall have executive control and supervision of the probation service and shall supervise the probation work in all of the courts of the commonwealth, and for such purposes, he and his staff shall have access to all probation records of said courts. He shall establish the reports and forms to be maintained in the various tiers of probation offices, the procedures required to be carried out in the various tiers of probation offices, the standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting, caseload and case management, to be followed in the various tiers of probation offices, subject to the approval of the chief administrative justice; and shall enforce his requirements regarding reports, procedures, standards and rules to be followed in the various tiers of probation offices by citation for disciplinary action of a probation officer or officers. He shall provide consultation service to all probation offices. He shall qualify or disqualify persons eligible for appointment as probation officers and persons eligible for promotion to the various supervisory probation officer positions, prior to their appointment or designation under section eighty-three, according to standards fixed by the committee on personnel standards, provided, that any applicant disqualified by the commissioner for such appointment or designation shall have the right of appeal to said committee on personnel standards. He shall establish standards and procedures for the performance evaluation of line and supervising probation officers in the various tiers of probation offices. He may recommend to a court or courts the appointment of additional probation or clerical personnel or both, and shall notify the chief administrative justice within thirty days as to the action taken by such court or courts concerning such recommendations. He shall develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as he shall determine. He shall conduct research studies relating to crime and delinquency, and may

participate with other public and private agencies in joint research studies.

The commissioner shall receive all notices of intended disciplinary action against a probation officer or supervising probation officer including reprimand, fine, suspension, demotion or discharge, that may be initiated by a justice, supervisor or chief probation officer, shall cause an investigation to be made and a report, with recommendations, to be written. Copies of the report and recommendations shall be furnished to the initiating justice, supervisor or chief probation officer and to the line or supervising probation officer against whom disciplinary action is proposed. If either the complainant or the person complained against declines to accept the commissioner's recommendation as the order of disposition, there shall be full hearing and disposition by the chief administrative justice or his designee. The commissioner of probation may also, for cause, discipline a probation officer or supervising probation officer including reprimand, suspension, demotion or discharge, shall give him notice of the charge and a hearing on same and shall make an order of disposition. The probation officer so disciplined may appeal and shall be entitled to a full hearing and disposition by the chief administrative justice.

To promote the co-ordination and development of the probation service, the commissioner of probation may hold conferences on probation throughout the commonwealth, and may authorize the attendance of any or all justices of the several courts and of any or all probation officers at such conferences or at any other conference within or without the commonwealth which in his judgment will further the interests of the probation service. The traveling expenses of said justices or officers when authorized to attend any such conference shall be paid as the other expenses of the respective courts or offices are paid. Said commissioner of probation shall not promulgate rules and regulations concerning probation offices unless said rules and regulations have been approved in writing by the chief administrative justice. Said justice shall also review for approval or disapproval any such rule or regulation in effect on July one, nineteen hundred and seventy-eight.

Section 99A. If the commissioner of probation notifies the chief administrative justice that a recommendation by him to any court or courts for the appointment of additional probation or clerical personnel has not been acted upon, the chief administrative justice shall investigate such failure to act and may make such recommended appointments according to standards promulgated under section eight of chapter two hundred and eleven B and such appointees shall be paid in the same manner as are other probation or clerical personnel in said court or courts.

Upon recommendation of the commissioner of probation, the chief administrative justice may recommend to any court of the commonwealth disciplinary action, including removal or discharge for cause, with regard to any probation officer appointed by said court, and, if no action is taken by said court within thirty days, the committee on personnel standards may take or require such action as it deems best. No probation officer shall be

removed or discharged by any court until such removal or discharge shall have been approved by the chief administrative justice for compliance with standards for dismissal promulgated under section eight of chapter two hundred and eleven B and any such action may be appealed, by the aggrieved party, to the personnel standards committee for a hearing before said committee.

SECTION 295. Subdivision (5) of section 99B of said chapter 276, as appearing in section 6 of chapter 875 of the acts of 1970, is hereby amended by adding the following sentence:- Notwithstanding any other provision of this section, no chief probation officer shall receive a salary less than the next increment greater than the salary received by the first assistant chief probation officer in the same court.

SECTION 296. Section ninety-nine C of said chapter two hundred and seventy-six is hereby repealed.

SECTION 297. Said chapter 276 is hereby further amended, by striking out section 101A, as amended by section 24 of chapter 731 of the acts of 1956, and inserting in place thereof the following section:-

Section 101A. The commissioner of probation shall establish uniform forms of blanks and records for use in the probation offices of the district courts, and, upon receipt of competitive bids, the state purchasing agent shall order, at the expense of the commonwealth, and maintain such supply of said forms as the commissioner of probation shall determine to be necessary to meet the requirements of all such offices. The commissioner of probation shall from time to time distribute to the district and juvenile courts such quantities of such forms as he shall, with the probation officers of those courts, determine to be necessary. No forms of blanks and records other than those established and furnished hereunder shall be used in such probation offices unless approved by said commissioner.

SECTION 298. The fourth paragraph of section 47A of chapter 277 of the General Laws is hereby amended by striking out the second sentence, added by section 1 of chapter 765 of the acts of 1965, and inserting in place thereof the following sentence:- Upon an appeal to a jury session from a conviction in a district court, any motion permitted under this section may be filed in said jury session within ten days after the entry of the appeal, or within such reasonable further time as the court may allow by special order or general rule.

SECTION 299. Said chapter 277 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 56. The reasonable expenses incurred and paid by counsel assigned by the court for the defence of a person indicted for murder, who is otherwise unable to procure counsel, shall be paid by the commonwealth after approval by a justice sitting at the trial or other proceedings of the case.

SECTION 300. Said chapter 277 is hereby further amended by

striking out section 73, as so appearing, and inserting in place thereof the following section:-

Section 73. Any person in the commonwealth kept in confinement awaiting trial for more than six months after having been indicted, and finally acquitted or discharged without trial, if the delay in trial was not at his request or with his consent, or at the request or with the consent of his attorney of record, may receive compensation for the period of his confinement after the lapse of said six months and until his acquittal or discharge; provided, that the payment of compensation is approved by the justice who presided at the trial, or in the case of a discharge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county where the indictment was found. Such compensation shall be paid by the commonwealth and shall be equivalent to the amount which the indicted person earned or received from his regular employment for any period of equal length during the two years immediately preceding his confinement; and if he had no employment, the compensation shall be such reasonable sum as shall be determined by the justice who presided at the trial, or, in the case of a discharge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county where the indictment was found. The justice, upon application by the person acquitted or discharged, shall give a hearing at which such person or his representative may be present, if he so desires, and the district attorney or other officer representing the commonwealth may also be present, and the person acquitted or discharged and the commonwealth may offer testimony as in any civil case. The decision of the justice shall be final.

SECTION 301. Section 17 of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "district court or a trial justice, or before a jury has been sworn in the superior court" and inserting in place thereof the words:- justice sitting jury-waived, or before a jury has been sworn in the superior court or district court jury session.

SECTION 302. Said chapter 278 is hereby further amended by striking out section 18, as most recently amended by chapter 167 of the acts of 1974, and inserting in place thereof the following section:-

Section 18. Whoever is found guilty of a crime before a justice in a district court, or in the municipal court of the city of Boston, having filed the written waiver of trial by jury in the first instance provided by section twenty-six A of chapter two hundred and eighteen, may appeal the finding of guilty or the sentence imposed thereon to a jury-of-six session in accordance with section twenty-seven A of chapter two hundred and eighteen, and at the time of such finding of guilty or sentencing shall be notified of his right to take such appeal. The case shall be entered in the jury-of-six session on the return day next after the appeal is taken, and the appellant shall be released on personal recognizance or committed, in accordance with the procedures set forth in section fifty-eight of chapter two hundred

and seventy-six, until he recognizes to the commonwealth, in such sum and with such surety or sureties as the court requires, with condition to appear at said jury session on said return day and at any subsequent time to which the case may be continued, if not previously surrendered and discharged, and so from time to time until the final sentence, order or decree, and not depart without leave, and in the meantime to keep the peace and be of good behavior. If the appellant is not released on personal recognizance and is committed for failure to recognize, the superior court shall thereupon have jurisdiction of the case only for the purpose of revising the amount of bail required as aforesaid. The appellant shall not be required to advance any fees upon claiming his appeal or in prosecuting the same. Notwithstanding any other provision of law, a defendant after a finding of guilty, jury-waived, in a district court, or the municipal court of the city of Boston, may appeal therefrom and shall thereafter be entitled to a trial de novo in a jury-of-six session in accordance with said section twenty-seven A.

SECTION 303. Section eighteen A of said chapter two hundred and seventy-eight is hereby repealed.

SECTION 304. Said chapter 278 is hereby further amended by striking out section 20, as most recently amended by section 29 of chapter 827 of the acts of 1974, and inserting in place thereof the following section:-

Section 20. Upon such appeal, the clerk of the court sitting without a jury shall transmit to the jury session a copy of the complaint and of the record of conviction, the original recognizances, a list of the witnesses, the appearance of the attorney for the defendant, if any is entered, and a statement of the expenses, and the report of any examination pursuant to the provisions of section forty-seven or forty-eight of chapter one hundred and twenty-three; and no other papers need be transmitted, except as deemed necessary by the administrative justice for the court where the case was originally tried.

SECTION 305. Said chapter 278 is hereby further amended by striking out sections 22 to 25, inclusive, and inserting in place thereof the following four sections:-

Section 22. Upon such appeal, the copies and records sent to the jury-of-six session shall contain the details of all fees and expenses allowed or paid in the court in which the trial before the justice was held.

Section 23. At the trial of a criminal case in the superior court, upon indictment, or in a jury-of-six session in a district court, the fact that the defendant did not testify at any preliminary hearing in the first court, or that at such hearing he waived examination or did not offer any evidence in his own defense, shall not be used as evidence against him, nor be referred to or commented upon by the prosecuting officer.

Section 24. If the appellant fails to enter and prosecute his appeal, he shall be defaulted on his recognizance and the jury-of-six session may impose sentence upon him for the crime of

which he was convicted, as if he had been convicted in said court, and, if he is not then in custody, may issue process to bring him into court to receive sentence.

Section 25. The appellant may, at any time before the next sitting of the jury session for criminal business and at any time thereafter if no action shall have been taken in the jury session except continuance, come personally before the court from whose judgment the appeal was taken and withdraw his appeal. If the appellant has been committed, the officer in charge of the jail, within forty-eight hours after his commitment, shall notify him of his right to withdraw his appeal and shall furnish him with a blank form of withdrawal, which, if signed by him, shall be witnessed by said officer; thereupon, or if prior to said notice the appellant notifies the said officer of his desire to withdraw his appeal, the said officer shall forward the defendant, with the signed form of withdrawal, to the court before whom the appeal was taken. In such case the court may order the appellant to comply with the sentence appealed from, in the same manner as if it were then first imposed, or may revise or revoke the same if satisfied that cause for such revision or revocation exists; provided, that the court shall not increase the sentence as first imposed, and if sureties had recognized with the appellant to prosecute his appeal they shall be discharged. If the copy of the record of conviction has been transmitted to the jury session, the court shall notify the clerk of the court holding said session of the withdrawal of the appeal, who shall thereupon make a memorandum thereof upon the record of the jury session.

SECTION 306. Section 28A of said chapter 278, as most recently amended by section 1 of chapter 666 of the acts of 1968, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following two paragraphs:-

The clerk of the superior court for criminal business in Suffolk county shall be the clerk of the appellate division of the superior court. The first assistant clerk of superior court for criminal business in Suffolk county shall be the first assistant clerk of the appellate division of the superior court; the second assistant clerk of the superior court for criminal business in Suffolk county shall be the second assistant clerk of the appellate division of the superior court.

The clerk or an assistant clerk of the appellate division of the superior court shall attend all sittings of the appellate division wherever such sittings are held and shall record the proceedings thereof. The clerk shall have the care and custody of all records, books and papers which pertain to said appellate division. The clerk and the assistant clerks of the appellate division shall have all the power and authority of a clerk of courts in any county of the commonwealth in any and all matters pertaining to the appellate division or to any criminal case in which an appeal for a review of a sentence imposed in any county has been filed.

SECTION 307. Said chapter 278 is hereby further amended by striking out section 28D, as amended by section 4 of said chapter 666, and inserting in place thereof the following section:-

Section 28D. The clerk, the first assistant clerk and the second assistant clerk of the appellate division shall receive from the commonwealth as salary an amount equal to ten per cent of and in addition to the salaries established and paid to them as clerk, first assistant clerk and second assistant clerk respectively of the superior court for criminal business in the county of Suffolk.

An employee of the office of the clerk of the superior court for criminal business in the county of Suffolk shall be designated by the clerk as a clerical assistant in matters pertaining to the business of the appellate division. The clerical assistant, so designated, shall receive from the commonwealth as salary an amount equal to ten per cent of, and in addition to, the salary established and paid to said employee in the position held by said employee in the office of the clerk.

The clerk and the assistant clerks of the appellate division shall receive for travelling expenses necessarily incurred in the performance of their official duties such sum as shall be approved by a justice of the appellate division to be paid by the commonwealth. The clerk shall receive for office expenses necessarily incurred in the conduct of the business of the appellate division such sums as shall be approved by a justice of the appellate division to be paid by the commonwealth.

SECTION 308. Said chapter 278 is hereby further amended by striking out section 33, as most recently amended by section 350 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section:-

Section 33. Copies and papers relative to a question of law which arises in a criminal case in the superior court upon appeal, exception, report or otherwise shall be prepared by the clerk of the court at the expense of the commonwealth and shall thereupon be transmitted to and entered in the law docket of the supreme judicial court for the commonwealth, or for the proper county, as soon as may be after such question of law has been reserved and duly made matter of record in the superior court. The clerk shall prepare one copy of every paper on file in the case necessary to a full presentation of all questions of law intended to be raised before the full court, except papers used in evidence only, and of all papers made part of the case by reference in the record, for the use of the chief justice, and a like copy for the clerk of the supreme judicial court which shall be kept on file in said court; five typewritten copies of any opinion or statement of reasons for decision filed by the court below, for the use of the full court; one copy of the record of the court below which transmits the questions of law, for the use of each associate justice, each party and the reporter of decisions. Original papers used in the trial in the court below which are needed before the full court of the supreme judicial court shall be transmitted to its clerk to be kept on file by him until the rescript in such case is sent. In preparing the record, a brief descriptive title of any paper to be contained therein shall be included, but the title of the court, name of the county, names of parties and other formal parts need not appear more than once. No bond, citation, verification, appearance or formal

paper shall be deemed a necessary part of the record unless some question in regard thereto is in issue but the contents thereof may be indicated. Matter which appears in two or more papers or portions thereof forming part of the record need be set forth only once therein, and at each place where such matter is omitted there shall be printed a notation of the omission, with a cross reference to the place in the record where such matter appears. Entry of a case hereunder shall not transfer the case, but only the question to be determined.

SECTION 309. The second paragraph of section 1A of chapter 279 of the General Laws, added by section 2 of chapter 459 of the acts of 1975, is hereby amended by striking out, in lines 4 and 5, the words "superior court" and inserting in place thereof the words:- a jury session.

SECTION 310. Section 3 of chapter 279 of the General Laws, as most recently amended by chapter 300 of the acts of 1974, is hereby further amended by adding the following paragraph:-

In no case where a provision of this chapter provides for a finding, disposition or other order to be made by the court, or for a warrant to be issued, shall such be made or issued by any person other than a justice, special justice or other person exercising the powers of a magistrate.

SECTION 311. Chapter 280 of the General Laws is hereby amended by striking out section 2, as amended by section 2 of chapter 843 of the acts of 1975, and inserting in place thereof the following section:-

Section 2. A fine or forfeiture imposed by a court shall, except as otherwise provided, be paid over to the state treasurer. Twenty per cent of the fines imposed under the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two shall be paid over to the state treasurer. If the whole or any part of a fine is by law payable to a complainant or informant or to a person or corporation as beneficiary, the court may apportion the fine or forfeiture between such complainant, informant or other beneficiary and the commonwealth, respectively. Fines imposed under the provisions of chapters eighty-nine and ninety, or forfeitures imposed under the provisions of section 141 of chapter 140, shall be paid over to the treasury of the city or town wherein the offense was committed.

SECTION 312. Said chapter 280 is hereby further amended by striking out section 4, as amended by section 5 of chapter 694 of the acts of 1974, and inserting in place thereof the following section:-

Section 4. Expenses arising in a criminal prosecution, including fees of grand and traverse jurors for travel and attendance therein, shall be paid by the commonwealth.

Fees and costs of indigent defendants in criminal prosecutions except attorneys' fees, shall or may be waived or substituted by the court or paid by the commonwealth in accordance with the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one.

SECTION 313. Said chapter 280 is hereby further amended by striking out sections 7 to 11, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following five sections:-

Section 7. At the end of every sitting of the superior court for the transaction of criminal business, the clerk shall make and deliver to the state treasurer certificates of all fines imposed by the court, to the use of the commonwealth or to the treasurer of a city or town under the provisions of section two of this chapter.

Section 8. The clerk of the superior court for the transaction of criminal business for Suffolk county, the clerks of the municipal courts in Boston, the sheriff, master of the house of correction or other officer, except those named in the following section, upon receiving fines, fees or other money in any criminal proceedings, payable to the commonwealth or to a city or town shall, before the tenth day of every month, pay over to the state treasurer and account, on oath, for all fines, fees or other money so received during the preceding calendar month, and make the detailed statements required by law.

Section 9. The clerks of all courts in Suffolk county, except those named in the preceding section, who are required to account to the commonwealth shall, on or before the tenth day of each month, pay over to the state treasurer and account, on oath, for all fines, fees and other money received by them in any criminal proceedings during the preceding calendar month remaining after the payments therefrom allowed by law.

Section 10. The state treasurer shall pay to the persons entitled therein all witnesses fees or other money due for services rendered or expenses incurred in any of the courts named in section eight, or for any of the aforesaid officers, upon presentation to him of a certificate stating the name of the claimant, of the court and of the case, the nature of the services rendered or expenses incurred and the amount due therefor, signed by the clerk of the court or by the officer for whom the service was rendered.

Section 11. Except as otherwise provided in section eighty of chapter two hundred and seventy-six, fines and forfeitures imposed in criminal prosecutions by the superior court to the use of the commonwealth, and all amounts found to be due on forfeited recognizances, shall under the direction of the court, be certified by the clerk and paid to the commonwealth.

SECTION 314. Said chapter 280 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. If a sheriff neglects to make such payment for thirty days, the state treasurer shall recover of him in contract the amount of such fines, forfeitures and forfeited recognizances, with interest at the rate of twelve per cent from the time he is held to have received the same and costs.

SECTION 315. Said chapter 280 is hereby further amended by

striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. Every keeper of a jail and master of a house of correction shall, on the first days of January, April, July and October, pay over to the state treasurer all money received by him under the preceding section during the preceding three months, and render to said state treasurer an account, on oath, showing the names of prisoners by whom payments have been so made, the court by which each was committed and the amount received from each.

SECTION 316. Said chapter 280 is hereby further amended by striking out section 16, as amended by section 38 of chapter 319 of the acts of 1953, and inserting in place thereof the following section:-

Section 16. The state treasurer shall pay over to the persons entitled thereto all amounts allowed to them for expenses or fees in criminal prosecutions, or allowed by the courts as rewards or compensations to prosecutors, which have been duly certified by the clerks, if demanded within three years after the allowance thereof; but he shall pay no such amounts to a clerk of a district court, until the clerk has rendered a written account of all fines received by him since his last return, and of all fees which have remained in his hands for one year after their allowance.

SECTION 317. Notwithstanding any provision of law to the contrary, the first justice, first judge or presiding justice of each district court, probate court, juvenile court or housing court, as the case may be; shall continue to be the first justice of the division of the applicable department of the trial court which is the successor to, and whose judicial district corresponds to, any of said courts.

SECTION 318. Notwithstanding any provision of law to the contrary, the justice who is senior in length of full-time service among the justices and special justices of the fourth district court of Berkshire, the district court of northern Berkshire and the district court of Williamstown; shall become and have the powers and duties of first justice of the northern Berkshire division of the district court department, and all justices and special justices appointed to any of said courts shall become and have the powers, rights and duties of a justice or special justice, as the case may be, of the trial court appointed to said northern Berkshire division. All clerical assistants, probation officers, court officers and other personnel appointed to said courts shall be transferred to said northern Berkshire division and shall then be subject to such provisions of chapter two hundred and eleven B as are applicable. The first justice of said division may designate from among said probation officers a chief probation officer.

SECTION 319. Notwithstanding any provision of law to the contrary, the justice who is senior in length of service among the justices and special justices of the district court of southern Berkshire and the district court of Lee; shall become and have the powers and duties of first justice of the southern Berkshire

division of the district court department, and all justices and special justices appointed to any of said courts shall become and have the powers, rights and duties of a justice or special justice, as the case may be, of the trial court appointed to said southern Berkshire division; and the person who is senior in service in performing the duties of clerk of court in any of said courts shall become and have the powers and duties of clerk of said southern Berkshire division. All clerical assistants, probation officers, court officers and other personnel appointed to said courts shall be transferred to said southern Berkshire division and shall then be subject to such provisions of chapter two hundred and eleven B as are applicable. The first justice of said division may designate from among said probation officers a chief probation officer.

SECTION 320. Upon the effective date of this act the superior court, the land court, the probate courts, and courts of insolvency, the housing courts, the district courts, the municipal court of the city of Boston and the juvenile courts shall be consolidated into the trial courts of the commonwealth and all the judicial powers and duties heretofore exercised by the chief justice or a justice of the superior court, a chief judge or judge of a housing court, a judge or associate judge of the land court, the chief judge, or judge or a special judge of probate, the chief justice, or a justice or a special justice of a district court, a justice or special justice of a juvenile court and a chief justice or an associate justice of the municipal court of the city of Boston shall vest in the justices of the respective departments of the trial court. All such aforementioned chief justices, justices, associate justices, chief judges, special judges, judges and special justices shall, upon said effective date be transferred to the trial court of the commonwealth without loss of vacation, sick leave, seniority or retirement rights, and shall become associate justices or special justices, in the case of special justices of district courts, of said trial court appointed to the department, or division thereof, representing their predecessor court, and shall thereafter exercise the powers and perform the duties of such associate justices or special justices in said departments, or divisions thereof. Notwithstanding any other provision of this act, appointive personnel employed in the judicial system of the commonwealth shall continue to serve therein without reduction in compensation and without loss of seniority, vacation or retirement rights.

SECTION 321. Any criminal or juvenile case appealed to the superior court, the Boston juvenile court, a six-man jury session in a district court, or a twelve-man jury session in the municipal court of the city of Boston, in any of said cases for a trial de novo, so-called, prior to the effective dates of sections fifty-one, fifty-four, fifty-seven, one hundred and eighty-nine and three hundred and two of this act; shall not be affected by said sections except as follows:-

(a) Any defendant, juvenile or other aggrieved party in such a case may, at any time before trial on such appeal, claim a trial in a jury-of-six session, or juvenile appeals session, in the appropriate division of the district court department, or juvenile

court department as the case may be, as set forth in section twenty-seven A of chapter two hundred and eighteen of the General Laws, or section twenty-seven, thirty-nine I or fifty-six of chapter one hundred and nineteen of the General Laws. By so doing, said defendant, juvenile or other aggrieved party shall be deemed to have waived any right to a trial by jury in the superior court or such other court hereinbefore mentioned or other disposition in any of said courts. When a claim for a trial in a jury-of-six session or a juvenile appeals session has been made under the provisions of this paragraph, the clerk of the court having custody of the papers in the case shall forward them forthwith to the clerk of the jury-of-six session, or juvenile appeals session, as the case may be.

(b) Any defendant or juvenile in such a case may come personally before said district court and withdraw his appeal, pursuant to the provisions of section twenty-five of chapter two hundred and seventy-eight or other applicable provision of law.

SECTION 322. Notwithstanding the provisions of sections fifty-three, fifty-four, fifty-six, fifty-seven, one hundred and eighty-eight, one hundred and eighty-nine and three hundred and two of this act, or other section thereof providing for jury sessions in criminal or juvenile cases in the district or juvenile court departments, or in the Boston municipal court department, the supreme judicial court may suspend the effect of said sections if it finds, and so certifies to the general court, that circumstances have arisen which seriously delay the trial of such cases and seriously impede the administration of justice. Pursuant to said authority to suspend, such suspension shall be continued only so long as necessary, and trial of such cases during said period shall be, in the first instance, without a jury but subject to a right of appeal for de novo trial in a jury session in a district or a juvenile court.

SECTION 323. All civil actions and criminal, juvenile and probate proceedings and processes or any matter pending in the courts consolidated into the trial court of the commonwealth pursuant to section three hundred and twenty of this act on the effective date of such consolidation, and all writs issued out of and returnable to said courts, shall continue with the same force and effect in and be returnable to the department or division or place for holding court thereof of the trial court representing such predecessor courts, and all rights and liabilities of the parties to such civil actions and criminal, juvenile and probate proceedings commenced prior to the effective date of said consolidation shall continue in full force and effect.

SECTION 324. Whenever used in any statute, the words "superior court" shall mean the superior court department and "chief justice" or "justice of the superior court" shall mean an associate justice of the trial court appointed to the superior court department; "land court" shall mean the land court department, and "judge" or "associate judge of the land court" shall mean an associate justice of the trial court appointed to the land court department; "housing court of the city of Boston" and "housing court for Hampden county" shall mean, respectively,

the city of Boston division and the Hampden county division of the housing court department and "judge of the city of Boston housing court" and "judge of the Hampden county housing court" shall mean, respectively, an associate justice of the trial court appointed to the city of Boston division and Hampden county division of the housing court department; "Boston juvenile court", "Bristol county juvenile court", "Springfield juvenile court", "Worcester juvenile court" shall mean, respectively, the Boston juvenile division, the Bristol county juvenile division, the Springfield juvenile division and the Worcester juvenile division of the juvenile court department and "justice" or "special justice of the Boston juvenile court", "justice of the Bristol county juvenile court", "justice of the Springfield juvenile court", "justice of the Worcester juvenile court" shall mean, respectively, an associate justice of the trial court appointed to the Boston juvenile division, the Bristol county juvenile division, the Springfield juvenile division, or the Worcester juvenile division of the juvenile court department; "municipal court of the city of Boston" shall mean the Boston municipal court department and a "chief justice" or "associate justice" of the "municipal court of the city of Boston" shall mean an associate justice of the trial court appointed to the Boston municipal court department; the various district courts shall mean, respectively, divisions for the district court department of the trial court having like territorial jurisdiction as the predecessor court, and "chief justice", "justice", or "special justice" of a district court shall mean an associate justice, or, in the case of a special justice, special justice of the trial court appointed to the division of the district court department of like territorial jurisdiction as his predecessor court; the various probate courts or probate and insolvency courts shall mean, respectively, divisions of the probate and family court department of the trial court of like territorial jurisdiction as the predecessor court, and "chief justice" or "justice" of the probate court or probate and insolvency court shall mean an associate justice of the trial court appointed to a division of the probate and family court department having like territorial jurisdiction as his predecessor court.

SECTION 325. Incumbents of the office of first assistant clerk, or assistant clerk where that title refers to the position and duties of first assistant clerk, of a district, municipal, juvenile or housing court or of the land or superior court; shall, under the provisions of this act, become the first assistant clerk of the division or department, as the case may be, of the trial court which is the successor to any of the aforementioned courts, and such other assistant clerks of said courts shall hereunder become assistant clerks of said successor division or department.

SECTION 326. Incumbents of the office of first assistant register, or assistant register where that title refers to the position and duties of first assistant register, of a probate court, shall, under the provisions of this act, become the first assistant register of the division of the probate and family court department which is the successor to the aforementioned court, and such other assistant registers shall hereunder become assist-

ant registers of said successor division.

SECTION 327. For the purposes of this act the words "predecessor court" or "predecessor courts" shall mean in each instance the court or courts consolidated into the trial court having the same territorial jurisdiction, or geographical designation and corresponding subject matter jurisdiction as a department, or a division thereof, of the trial court.

SECTION 328. Notwithstanding any other provision of this act, appointive personnel employed in the judicial system of the commonwealth shall continue to serve therein without reduction in compensation and without loss of seniority, vacation or retirement rights.

No person who is not a resident of the commonwealth shall serve as an officer in or an employee of the judicial branch; provided, however, that this provision shall not apply to those persons serving as officers in or employees of the judicial branch prior to the effective date of this section.

The provisions of this section shall not be interpreted so as to prevent any person employed by the judicial branch from being removed for cause in the manner provided by law or otherwise provided on the effective date of this act.

Notwithstanding any general or special law to the contrary, all employees of Suffolk county who are paid by the city of Boston immediately prior to the effective date of this act, including but not limited to, the employees of the supreme judicial court, superior court, housing court of the city of Boston, the probate court of Suffolk county, the Boston municipal court and all of the district courts in said county, shall be allowed to remain as members of the city of Boston employees credit union with all rights and benefits including payroll deductions. Employees desiring to remain as members shall notify their immediate superiors as well as said credit union in writing within sixty days and the said immediate supervisor shall make all necessary arrangements including the necessary deductions from the employees paycheck.

All pensions and retirement allowances payable to judges, clerks, court officers and all other persons employed in the judicial branch of the commonwealth on or after the effective date of this section, who retire or resign after such date, or to beneficiaries or dependents of such persons, shall be deemed to be a cost of maintenance and operation of the judicial branch and shall be paid by the commonwealth, subject to the provisions of chapter thirty-two of the General Laws. All questions relating to retirement rights shall be determined by the state board of retirement; provided, however, that no person shall be assigned to a different group for retirement purposes under the provisions of section three of chapter thirty-two of the General Laws, as a result of any provision of this act; and providing, further, that notwithstanding any other provision of law, no judicial employee shall be required to retire from his office or position before he has reached the age of seventy.

SECTION 329. Effective upon the passage of this act, the procedure provided for by section six of chapter two hundred and eleven B, inserted by section one hundred and ten of this

act, shall be operative.

The chief administrative justice referred to in said section one hundred and ten shall be selected by the said justices of the supreme judicial court no later than sixty days after the passage of this act, and nominations for such selection may be made from among any of the judicial officers referred to in section three hundred and twenty-four of this act.

SECTION 330. In order to comply with the provisions of section five of chapter twenty-nine A, the chief administrative justice of the trial court shall appoint a commission which shall, not later than June thirtieth, nineteen hundred and eighty, file with the chief justice of the supreme judicial court, with the governor, and with the clerks of the house of representatives and senate, a report on the status of all buildings occupied by the judicial branch. Said report shall include, but not be limited to, estimates of (1) the present and projected space needs for all courts, (2) necessary renovations to existing buildings or other new construction, (3) the fair market value of each building, and (4) the cost of maintenance, repair and necessary operating expenses of each building. Said report shall also include recommendations as to whether any court building should be acquired by the commonwealth.

SECTION 331. All county employees who become state employees on the effective date of this act shall, for the purpose of continuation of group insurance coverages as provided in chapter thirty-two B of the General Laws, be considered employees of the county in which they were employed prior to said date and their respective county treasurer shall pay the full premium for all said employees including their dependents or surviving spouses. The county treasurer shall provide the group insurance commission with information requested by said commission relative to the monthly insurance premiums applicable to each employee or surviving spouse including the county's share therefor. The state treasurer upon certification by the commission shall reimburse said counties from appropriation account number 1120-2000 for the cost of any premiums paid under the provisions of this section. All such transferred employees and surviving spouses shall pay to said commission their employee or survivor share of the monthly group insurance premium in a manner determined by said commission consistent with the provisions of chapter thirty-two A. The commission shall credit all such premium receipts to appropriation account number 1120-2000. This section shall cease to be in effect on March thirty-first, nineteen hundred and seventy-nine.

SECTION 331A. All personnel employed in the judicial branch of the commonwealth on the effective date of this section, including their dependents or surviving spouses, who are eligible for group insurance coverages as provided under chapter thirty-two B or who are insured under said chapter shall on said effective date have said eligibility and insurance transferred to the jurisdiction of the group insurance commission as established by chapter thirty-two A and said persons shall cease to be eligible or insured under the provisions of chapter thirty-two B. Said

commission shall provide uninterrupted coverages for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits to the extent authorized by the commonwealth under the provisions of said chapter thirty-two A. All questions relating to group insurance rights shall be determined by the commission and shall include the manner and method for the payment of all required premiums applicable to all such coverages.

SECTION 332. Upon the effective date of this act the incumbents of the offices of chief justice of the superior court, of the district courts and of the municipal court of the city of Boston, and of the offices of chief judge of the probate courts, and of judge of the land court and the senior justices of the juvenile and housing courts, respectively, shall have the title of, and exercise the powers, duties and responsibilities of, administrative justice for the department of the trial court which is successor to said court or courts. Said incumbents shall continue to hold the offices of administrative justice until they vacate their judicial office, or until they decline to hold the office of administrative justice. Said incumbents may also be properly addressed in speech as, and may properly be styled and style himself in correspondence as "chief justice" of his department.

SECTION 333. For the fiscal year beginning July first, nineteen hundred and seventy-eight the cost of maintenance and operation of the judicial branch of the commonwealth shall be borne by the counties; provided, however, that funds shall be appropriated for said fiscal year for payment to each county in the proportion that the net costs of the several courts borne by the county in the fiscal year nineteen hundred and seventy-seven bears to the net costs of the several courts borne by all counties in said fiscal year; and provided further, that the commonwealth shall assume the entire amount of said cost as provided in the following paragraph. Amounts made available under this section shall be used to reduce the cost to the county of maintenance and operation of the court system by a reduction in the assessments on the cities and towns within each county.

It is hereby declared to be the intention of the general court that there be a single state budget for the entire judicial branch for the fiscal year beginning July first, nineteen hundred and seventy-nine, and that the period of time and method for shifting all of the remaining expenses of the courts now borne by the counties to the commonwealth be established by law for the fiscal year beginning July first, nineteen hundred and seventy-eight.

SECTION 334. Notwithstanding any other provision of this act, each county shall continue to make all payments relative to the maintenance and operations of the judicial system which said county was required to make under the provisions of law in effect prior to the effective date of this act; said payments shall continue until such time as the commonwealth provides for the full funding of the judicial system or July first, nineteen hundred and seventy-nine whichever occurs first.

SECTION 335. If any section of this act, or any provision of

such section, or the application of any such section or provision thereof to any person or circumstance shall be held invalid or unconstitutional, the other sections of this act and other provision of said section, or the application of such section or provision to any person or circumstance other than that as to which it is held invalid or unconstitutional, shall not be affected thereby.

SECTION 336. There shall be created a special legislative committee consisting of three members of the senate to be appointed by the president and five members of the house of representatives to be appointed by the speaker, for the purpose of preparing a plan for a redrawing of the jurisdiction lines of the respective division of the district and juvenile court departments, so as to provide for a more effective use of the resources of said departments.

Said committee shall direct special attention to the availability of judicial and other resources throughout Suffolk county in relation to children who are the subjects of proceedings under chapter one hundred and nineteen.

Said committee shall hold public hearings before submitting its report, but in no event shall it submit its report to the clerk of the house of representatives later than June thirtieth, nineteen hundred and seventy-nine.

SECTION 337. The supreme judicial court shall, not later than June thirtieth, nineteen hundred and seventy-nine, file with the clerks of the house and senate a report on the fees charged by the courts of the commonwealth. Said report shall include, but not be limited to the amount of revenue generated by each fee and in total, the disposition of revenue from each fee, the current standards employed to determine indigency for the purposes of waiver of court fees, and the amount of fees so waived, and the fees charged in other states for similar actions and services; and recommendations for a new fee schedule which more nearly reflects the cost of the services represented by the fees, and more nearly reflects the court fees charged in other states with similar or greater court case loads, and uniform standards of indigency to be employed by each court in the commonwealth.

SECTION 338. That a special committee to consist of three members of the senate, five members of the house of representatives, is hereby established to make an investigation and study of the probation system in the commonwealth. Said commission shall investigate and study all aspects of the probation system including rules, regulations and procedures of the various divisions of probation service including the committee on probation, the commissioner and deputy commissioners of probation and all probation offices and officers within the judicial system of the commonwealth in order that their effectiveness may be determined. Said committee shall also investigate and study the salary schedules of all probation officers.

Said committee shall be provided with quarters in the state house or elsewhere, may hold hearings, may travel within the commonwealth, and may expend for clerical and other services and expenses such sums as may be appropriated therefore. Said

committee shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house on or before the last Wednesday of December, nineteen hundred and seventy-nine.

SECTION 339. Notwithstanding any provision of this act to the contrary, any appointment of executive secretary to an administrative justice requiring the approval of the chief administrative justice may be made without said approval during the period prior to the selection of said chief administrative justice, as provided in section three hundred and twenty-nine of this act, except however, that disapproval thereof may be exercised by said chief administrative justice upon his selection.

SECTION 340. Amounts appropriated for the office of the executive secretary may be used for administration staff to the supreme judicial court and the office of the chief administrative justice of the trial court.

All regulations, rulings, decisions and other determinations made by the office of the executive secretary and in effect prior to the effective date of this act shall continue in effect until they are subsequently altered, amended, modified or revoked by the supreme judicial court or the chief administrative justice of the trial court, as the case may be.

All duly existing contracts, leases and obligations of any office, commission, board, committee, administrative or governmental unit from which powers and duties are transferred to any other office, commission, board, committee, administrative or governmental unit by the provisions of this act, which relate to the exercise of such powers for the performance of such duties, and which are in force immediately prior to the effective date of this act shall thereafter be performed by such office, commission, board, committee, administrative or governmental unit. This section shall not affect any renewal provision or option to renew contained in any such lease in existence on said effective date, all of which may thereafter be exercised by such other office, commission, board, committee, administrative or governmental unit.

All questions regarding the identification of such contracts, leases and obligations and of the offices, commissions, boards, committees, administrative or governmental units to which the performance thereof is so transferred shall be determined by the supreme judicial court or the chief administrative justice of the trial court, as the case may be.

SECTION 341. Notwithstanding any other provision of law to the contrary, the provisions pertaining to contributions by justices of the supreme judicial court referred to in sections 65A and 65D of chapter 32 of the General Laws and contained in sections 13 and 14 of this act shall take effect as of May first, nineteen hundred and seventy-six.

SECTION 342. Notwithstanding any other provision of this act, any judicial officer recalled for temporary service under the provisions of sections 65E and 65F of chapter 32 of the General

Laws in effect on June 30, 1978, shall continue to serve under said authority and may be assigned according to appropriate provisions of law also then in effect, until July 31, 1978 and shall have the powers, rights and benefits of such appropriate provisions during such period.

SECTION 343. Sections 41, 51, 53, 54, 56, 57, 58, 59, 61, 63, 64, 65, 68, 143, 144, 159, 163, 188, 189, 190, 280, 281, 282, 283, 287, 298, 301, 302, 303, 304, 305, 309, 321, 322, or so much of any section of this act providing for jury sessions in divisions of the district court department or of the juvenile court department, in lieu of in the superior court, shall take effect as of January 1, 1979.

Sections 89, 102, 106, 111, 112, 113, 116, 160, 173, 226, and 258 of this act shall take effect as of July 1, 1979.

Section 331A of this act shall take effect as of March 31, 1979.

Sections 98 and 99 of this act shall take effect sixty days after the selection of the chief administrative justice as provided in section 329 of this act.

Section 72 of chapter 221 of the General Laws, as appearing in section 252 of this act, shall take effect as of June 1, 1978. Sections 73 and 73A of chapter 221 of the General Laws, as appearing in section 252 of this act, shall take effect as of July 1, 1978. All other provisions of section 252 and sections 31 and 253 of this act shall take effect thirty days after the selection of the chief administrative justice as provided in section 329 of this act.

All other sections of this act shall take effect as of July one, nineteen hundred and seventy-eight.

Approved July 18, 1978

Chap. 479. AN ACT EXTENDING THE TIME WITHIN WHICH
THE TOWN OF AMESBURY MAY BORROW MONEY
IN ANTICIPATION OF STATE GRANTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of section six A of chapter forty-four of the General Laws to the contrary, the treasurer of the town of Amesbury, with the approval of the board of selectmen of said town, is hereby authorized to renew a state aid anticipation note of said town in the amount of thirty-nine thousand dollars, payable in not more than one year from the date thereof, in order to pay the state aid anticipation note of the town dated October seventh, nineteen hundred and seventy-six in the amount of thirty-nine thousand dollars and which was most recently renewed on January twentieth, nineteen hundred and seventy-eight and payable on June fifth, nineteen hundred and seventy-eight. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1978